

**CITY OF EUREKA
CITY COUNCIL/
REDEVELOPMENT AGENCY
AGENDA**

Marian Brady 1st Ward
Linda Atkins 2nd Ward
Mike Newman 3rd Ward
Vacant 4th Ward
Lance Madsen 5th Ward



Frank Jäger, Mayor

**SPECIAL MEETING
JANUARY 4, 2011
SPECIAL SESSION TIME: 4:30
COUNCIL CHAMBER
531 K STREET
EUREKA, CA 95501**

David Tyson, City Manager
Pam Powell, City Clerk
William Bragg, Interim City Attorney

**The Eureka City Council/Eureka Redevelopment Agency Board will meet in
Special Session on January 4, 2011 for the following purpose:**

ROLL CALL

PLEDGE OF ALLEGIANCE

REPORTS/ACTION ITEMS

Pursuant to the Brown Act §54954.3(a) the public shall be provided an opportunity to speak only on items that are listed on the Special Meeting Agenda. This opportunity will be provided before or during consideration of each item. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers.

1. Vacancy in Office of City Council – Ward 4
Recommendation:
 1. Receive a report from Mayor Jager regarding the appointment process to fill the vacancy in the office of City Council – Ward 4; and
 2. Approve the Mayor's appointment of Melinda Ciarabellini to fill the vacancy in the office City Council – Ward 4.

(Mayor)
2. Installation of Officer – Oath of Office
Recommendation: Administer Oath of Office for Councilmember – Ward 4 to Melinda Ciarabellini.

(Mayor)

ADJOURNMENT

Dated: December 30, 2010

NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at www.ci.eureka.ca.gov.
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
 1. We may disagree, but we will be respectful of one another.
 2. All comments will be directed to the issue at hand.
 3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at www.accesshumboldt.net – Search archives “Eureka City Council Meetings”.
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail ppowell@ci.eureka.ca.gov or contact the City Clerk's office at (707) 441-4175.

AGENDA SUMMARY

**RE: AUTHORIZE TRANSFER OF
ABANDONED UTILITY EASEMENTS TO THE
CITY OF ARCATA**

FOR AGENDA DATE: JAN. 4, 2011

AGENDA ITEM No.: /

RECOMMENDATION:

- 1) Council hold a Public Hearing;
- 2) Council determine the Easements to be surplus;
- 3) Council determine that assigning the Easements will have a cost-neutral or positive financial benefit to the City;
- 4) Council direct the Mayor and City Manager to transfer the City's interest in a portion of two utility easements to the City of Arcata by signing the attached FULL ASSIGNMENT OF RECORDED EASEMENTS.

SUMMARY:

Prior to the year 1937, household water service was delivered to City of Eureka water customers from a series of ground well sources located in and around the city. Because ground wells are vulnerable to contamination and drought, this method of water service was eventually deemed unfavorable. In June 1937 – in an effort to improve water quality and reliability – the City of Eureka obtained utility easements running from the Mad River, through the City of Arcata. Water transmission mains were installed in these easements, thus enabling the City of Eureka to deliver water from the Sweasey Dam to its customers in Eureka. This infrastructure served residents of the City of Eureka adequately for the better part of 20 years.

Then in 1956, the Humboldt Bay Municipal Water District ("HBMWD") formed and began acquiring its own utility easements and pipelines, in order to deliver water to the greater Humboldt Bay region. Today, the HBMWD supplies water to all customers living in the City of Eureka as well as other municipalities and service districts, and intends to do so for the foreseeable future.

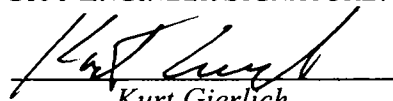
Continued on next page...

Prepared by Gary Boughton, Deputy City Engineer

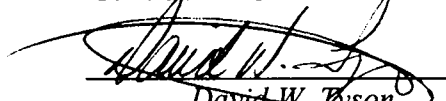
FISCAL IMPACT:

None with this action.

CITY ENGINEER SIGNATURE:


Kurt Gierlich
City Engineer

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

Risk Manager
City Attorney
Public Works

DATE:

12/29/10

INITIALS:

BTJ

Council Action:

Ordinance No. _____

Resolution No. _____

EUREKA CITY COUNCIL
AGENDA SUMMARY

RE: AUTHORIZE TRANSFER OF ABANDONED UTILITY EASEMENTS TO THE CITY OF ARCATA	FOR AGENDA DATE: JAN. 4, 2011 AGENDA ITEM No.: <i>Page 2</i>
--	--

SUMMARY *(continued)*

The City of Eureka has relocated portions of its Mad River Transmission Pipeline in the City of Arcata, therefore, has no further need for some of the utility easements acquired in 1937.

The City of Arcata has a water distribution main within a portion of the City of Eureka's easements. Without the use of the City of Eureka's easement the City of Arcata would have to acquire their own waterline easement.

Staff believes the best use of those easements in which the City of Arcata has water distribution mains, would be to convey them to the City of Arcata. This determination is made on the basis that the City of Eureka has relocated portions of its Mad River Pipeline, thus rendering some of the easements obsolete; and furthermore, the City of Eureka faces exposure to legal liability so long as its interest in the easements continues.

The contemplated conveyance to the City of Arcata would, if authorized by the City Council, accomplish two objectives: 1) Deliver title and interest to the City of Arcata in easements for which the City of Eureka has no further use or purpose; and 2) relieve the City of Eureka of any further legal liability stemming from title thereto.

Therefore, staff recommends:

- 1) Council hold a Public Hearing;
- 2) Council determine the Easements to be surplus;
- 3) Council determine that assigning the Easements will have a cost-neutral or positive financial benefit to the City;
- 4) Council direct the Mayor and City Manager to transfer the City's interest in a portion of two utility easements to the City of Arcata by signing the attached FULL ASSIGNMENT OF RECORDED EASEMENTS.

ATTACHMENTS:

Attachment 1: Resolution 2011-

**Attachment 2: Full Assignment of a Portion of Recorded Easement (Ramos),
and Full Assignment of a Portion of Recorded Easement (Bixler)**

Attachment No. 1

RESOLUTION NO. 2011-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA
ASSIGNING PORTIONS OF CERTAIN MAD RIVER WATER PIPELINE EASEMENTS
IN THE CITY OF ARCATA TO THE CITY OF ARCATA**

WHEREAS, the City of Eureka has relocated portions of its Mad River Water Transmission Pipelines in the City of Arcata; and

WHEREAS, the City of Eureka no longer has any need for some of the original water pipeline easements; and

WHEREAS, the City of Eureka planned to vacate those original water pipeline easements and provided notice to the affected property owners of the City of Eureka's intent to vacate some of the original water pipeline easements, and

WHEREAS, during the notification process, the City of Arcata indicated it also has a water distribution main in a portion of the City of Eureka's easement; and

WHEREAS, the City of Arcata's water distribution main serves the citizens of the City of Arcata; and

WHEREAS, the City of Arcata requested the City of Eureka not vacate a portion of its easements, but transfer that portion of the City of Eureka's original water pipeline easements to the City of Arcata for use by the City of Arcata; and

WHEREAS, the City of Eureka finds that said transfer can be accomplished by the full assignment of the City of Eureka's easements to the City of Arcata.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, portions of the original Mad River Water Pipeline easements are no longer needed by the City of Eureka and the mayor and city manager are hereby directed to execute those documents necessary to transfer or assign said easements to the City of Arcata to serve the citizens of the City of Arcata with water.

RESOLUTION NO. 2011-
Page 2

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt,
State of California, on the _____ day of _____, 2011 by the following vote:

AYES:	COUNCILMEMBERS
NOES:	COUNCILMEMBERS
ABSENT:	COUNCILMEMBERS
ABSTAIN:	COUNCILMEMBERS

Frank Jäger, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

David W. Tyson, City Manager

William Bragg, Interim City Attorney

Attachment 2

Recording Requested by and for the Benefit of:
per Government Code 27383

City of Arcata
Department of Public Works
736 "F" Street
Arcata, CA 95521

And when recorded mail to the above.

Affects APN's 503-381-022, -024, -036, -037, -041, -042, -051
and APN 503-371-022

FULL ASSIGNMENT OF PORTIONS OF RECORDED EASEMENTS

THE CITY OF EUREKA, for valuable consideration, receipt of which is hereby acknowledged, and pursuant to the authority granted under **CITY OF EUREKA** Resolution no. 2011- , does hereby assign, transfer, and convey to the **CITY OF ARCATA**, a municipal corporation of the State of California, all of its right, title and interest in and to portions of that certain GRANT OF RIGHT OF WAY granted to the **CITY OF EUREKA** by Mary Ramos, a widow, recorded June 11, 1937, in Book 229 of Deeds, Page 269 of Official Records of Humboldt County, California, and to portions of that certain GRANT OF RIGHT OF WAY granted to the **CITY OF EUREKA** by J.C. and Helen Bixler, husband and wife, recorded June 17, 1937, in Book 229 of Deeds, Page 332 of Official Records of Humboldt County, California,

The right hereby assigned, transferred and conveyed is a permanent and perpetual easement for the construction, reconstruction, and/or maintenance and operation of water pipe lines and other appurtenances, together with all necessary rights of ingress and egress to said easement in connection with the exercise of any said rights over, under and across those real properties described in Exhibit "A" and as shown on Exhibit "B", both attached hereto and made a part hereof.

IN WITNESS WHEREOF, the **CITY OF EUREKA** has caused this Full Assignment of Portions of Recorded Easements to be executed this _____ day of _____, 20__.

By _____
David W. Tyson, City Manager of the City of Eureka

State of California
County of Humboldt

On _____ before me, _____ (here insert name and title of officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

By _____
Frank Jäger, Mayor of the City of Eureka

State of California
County of Humboldt

On _____ before me, _____ (here insert name and title of officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

APPROVED AS TO FORM:

By: _____
William R. Bragg, Interim City Attorney of the City of Eureka

CERTIFICATE OF ACCEPTANCE

(Government Code Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the **CITY OF ARCATA**, California, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council of said City pursuant to the authority conferred by Resolution No. _____ of said City Council adopted _____, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

CITY OF ARCATA

Randy Mendosa, City Manager of the City of Arcata

State of California
County of Humboldt

On _____ before me, _____ (here insert name and title of officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

APPROVED AS TO FORM:

Nancy Diamond, City Attorney of the City of Arcata

EXHIBIT "A"

**EASEMENT TO BE ASSIGNED
TO THE CITY OF ARCATA
(MACK ROAD SECTION)**

**A PORTION OF THE 30 FOOT WIDE WATER LINE EASEMENT GRANTED TO
THE CITY OF EUREKA IN BOOK 229 OF DEEDS, PAGE 269;
BOOK 229 OF DEEDS, PAGE 322**

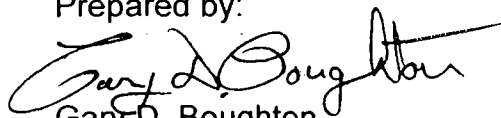
All that real property situated in the County of Humboldt, State of California, lying within Section 21, Township 6 North, Range 1 East, Humboldt Baseline and Meridian, more particularly described as follows:

That portion of the 30 foot wide right of way described in the Grant of Right of Way recorded in Book 229 of Deeds, Page 269, originally granted by Mary Ramos, a widow, recorded June 11, 1937; in Book 229 of Deeds, Page 322 originally granted by J.C. and Helen Bixler, husband and wife, recorded June 17, 1937; said portion lying 15 feet on each side of the following described centerline:

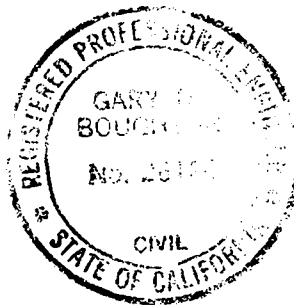
Beginning at Station 17+91.29, formerly Station 553+00, as per the Stationing shown on Book 63 of Surveys, Pages 74 to 94, said point being South 17 degrees 50 minutes 00 seconds West 136.85 feet from the Access Vault at Station 16+54.44 shown thereon;

Thence along the centerline shown on said Survey South 17 degrees 50 minutes 00 seconds West, 368.69 feet, more or less, to the North Line of Hidden Creek Road per Book 18 of Maps, Page 3, Humboldt County Records.

Prepared by:



Gary D. Boughton
License No. C26124
Renewal Date 3-31-2012
Dated 12-2-10



END OF DESCRIPTION

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

November 4, 2010

The City Council/Redevelopment Agency of the City of Eureka met in SPECIAL Session on the above date, 6:00 P.M. Open Session, at Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

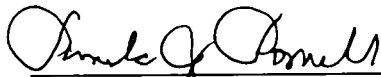
PRESIDING: LEONARD

PRESENT: ATKINS, JÄGER

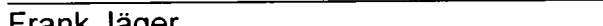
ABSENT: BASS, GLASS, JONES

MINUTES PREPARED BY:

COUNCIL APPROVAL ACKNOWLEDGED:



Pamela J. Powell
City Clerk


Frank Jäger
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 4, 2010

SUBJECT: Appointment of Presiding Officer

ACTION:

Council approved Councilmember Jeff Leonard as the presiding officer for the Special Meeting due to the absence of both Mayor Bass and Mayor Pro-Tem Jones.

On a motion by Councilmember Jager and a second by Councilmember Atkins and the following vote:

AYES: Atkins, Leonard, Jager
NOES: NONE
ABSENT: Glass, Jones
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on November
28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item N/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 4, 2010

SUBJECT: Resolution of Intent to Approve Cal PERS Contract Amendment

ACTION:

Personnel Director, Gary Bird provided a report. No one from the public addressed the Council regarding this matter.

Council approved Resolution No. 2010-73 of intention to approve an amendment to contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Eureka.

Adopted on a motion by Councilmember Jager and seconded by Councilmember Atkins, and the following vote:

AYES: ATKINS, LEONARD, JAGER
NOES: GLASS, JONES
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on November
28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Personnel

Agenda Item 1

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 4, 2010

SUBJECT: Amend Resolution No. 2010-64

ACTION:

Personnel Director, Gary Bird provided a report. No one from the public addressed the Council on this matter.


Council amended Resolution No. 2010-64 and adopted Resolution No. 2010-72 to Grand Another Designated Window Period for Two Years Additional Service Credit.

AYES: ATKINS, LEONARD, JAGER
NOES: GLASS, JONES
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on November
28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Personnel

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 4, 2010.

SUBJECT: ADJOURNMENT

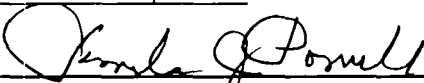
ACTION:

On motion by Councilmember, Atkins seconded by Councilmember Jager , and without objection, the meeting was adjourned to closed session at 4:13 P.M.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, Interim City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on
November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item

AGENDA PACKETS DISTRIBUTION LIST Revised December 30, 2010

A. 23 Full Packets Agenda, Summaries and Staff Reports

9 With Confidential
+14 Without confidential
23 Full Packets

B. 6 Agenda + Summaries No Staff Reports included

C. 30 Agendas (more on request)

Distribution:

A. Full Packets: 9	Mayor	(Place in binder)
(with confidential material)	5 Council	(Place in binders)
	City Clerk	(Place in binder)
	City Attorney	(Hand deliver)
	City Manager	(Hand deliver)

A. Full Packets: 14	Assistant City Manager	(Place in mailbox)
(without confidential material)	Community Dev. Director	(Place in mailbox)
	David McDavid	(Place in box w/ECEA)
	ECEA	(Place in mailbox)
	Engineering	(Place in mailbox)
	Finance Director	(Place in mailbox)
	Fire Chief	(Place in mailbox)
	Personnel Director	(Place in mailbox)
	Police Chief	(Place in mailbox)
	Public Works Director	(Place in mailbox)
	Redevelopment Director	(Hand deliver)
	Times-Standard	(They pick up)
	Library	(Hand deliver)
	Public review copy	

B. Agenda +Summaries:	Building	(Place in mailroom boxes)
(In-house) 6	Engineering	
	Harbor/small boat basin	
	Redevelopment- (Marie)	
	Finance - (Russell)	
	Personnel	

C. Agendas only: 30 10(or so), for Mailing List
(Mailers)

***NOTE: Proclamations do
not need to be included
with agendas***

20 (or so), for General Public attend meeting

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

November 2, 2010

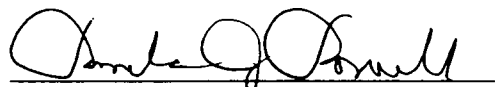
The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:00 P.M. Closed Session, 6:00 P.M. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR BASS

PRESENT: GLASS, ATKINS, LEONARD, JÄGER, JONES


ABSENT: NONE

MINUTES PREPARED BY:



PAMELA J. POWELL
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:


FRANK JÄGER
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Public comment prior to closed session

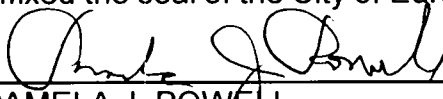
ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Closed session

ACTION:


Council did not meet in closed session.

Agenda Item Closed Session

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item Closed Session

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Mayor's announcements


ACTION:

Mayor Bass encouraged everyone to vote.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item M/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Council reports / City-related travel report

ACTION:

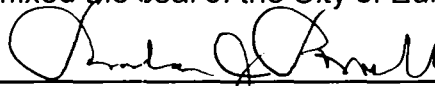
Councilmember Glass provided a report regarding Public Safety statistics.

Councilmember Jones invited J Hockaday, Executive Director of the Eureka Chamber of Commerce to relay a situation that occurred at the Chamber Office.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item C/R

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

William Bennett is trying to raise awareness over the Navy Warfare Testing that is planned for the Pacific Ocean. He asked the Council to consider sending a letter to NOAA asking them to extend the deadline for comments and to Congress asking for a Congressional Hearing.

Susan Radaba is concerned with the 5 Year Navy Warfare testing and the elimination of marine animals. She would like the Council to consider sending a letter to NOAA asking them to extend the deadline for public comments.

Nicholas Bravo, Eureka asked the Council to remove regulations that hinder the poor. As a Libertarian, he would like the government to get out of his way so that he can succeed.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of September 7, 2010 as submitted.


Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Clerk

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Claim for damages of Schafer, Regina

ACTION:

Council rejected the claim of Regina Schafer

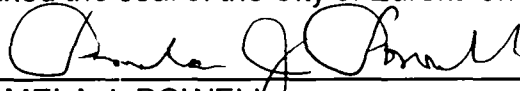
Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Attorney

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Claim for damages of Wells, Amber

ACTION:

Council rejected the claim of Amber Wells

Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES

NOES: NONE

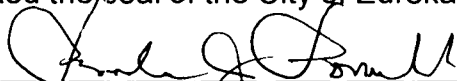
ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Attorney

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Claim for damages of Lyons, Kassi

ACTION:

Council rejected the claim of Kassi Lyons

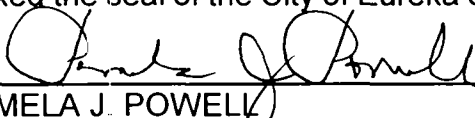
Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Attorney

Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Claim for damages of Squires, Floyd

ACTION:

Council rejected the claim of Floyd Squires

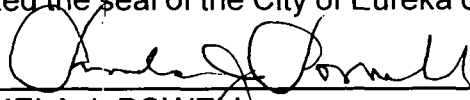
Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Attorney

Agenda Item 6

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: 1.21 Agenda Prep Procedure

ACTION:

Council adopted the revised 1.21 Agenda Prep Procedure.

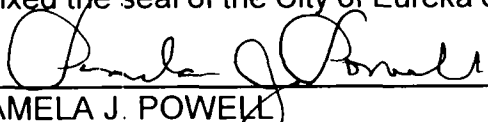
Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: KHUM Stop the Violence Breakfast

ACTION:

Council sponsored a free public event at the Wharfinger Building by waiving rental fees.

Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES

NOES: NONE

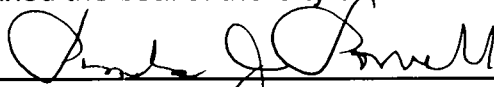
ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Redevelopment Agency -- Salt Marsh Mitigation Project Phase 1

ACTION:

Council adopted City of Eureka Resolution No. 2010-70 and Eureka Redevelopment Resolution No. 10-07 making the findings that the Salt Marsh Mitigation Project Phase 1 is appropriate for Redevelopment Agency funding and approved an expenditure of \$153,000 in excess Redevelopment EPFA Series "A" Lease Revenue Bond funds for the Salt Marsh Mitigation Project Phase 1 within the Redevelopment Project Area.

Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Redevelopment

Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Redevelopment Agency -- Joint Resolution Approving an Exclusive Right to Negotiate (ERTN) Agreement with Open Door Community Health Centers

ACTION: Redevelopment Director, Cindy Trobitz Thomas provided a report. Dr. Spetzler of the Humboldt Open Door Clinic also presented information to the Council. The following individuals addressed the council regarding this subject matter:

Nick Bravo, Eureka
Lisa Ollivier, Eureka
Richard Tolleson, Eureka
Brendan McKinney, Eureka
Larry DeBeni, Eureka

Council adopted City Council Resolution No. 2010-71 and Redevelopment Agency Resolution 10-8 approving an Exclusive Right to Negotiate Agreement (ERTN) with Open Door Community Health Centers for the purchase and development of approximately 7.25 acres of Agency owned real property, portions of Assessor's Parcel No's 002-241-15 and 002-241-13 and authorized the execution of a 180-day ERTN between the Eureka Redevelopment Agency and Open Door Community Health Centers.


Adopted on motion by Councilmember Glass, seconded by Councilmember Atkins, and the following vote:

AYES: GLASS, ATKINS, LEONARD
NOES: JAGER, JONES
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Redevelopment Agency -- One Time Exception to the First Time Homebuyer Program Down Payment Assistance Loan Maximum Amount

ACTION:

Redevelopment Director City Trobitz Thomas provided a report. No one from the public addressed the council regarding this subject matter.

Council authorized the Executive Director to approve a one-time exception to the First Time Homebuyer Program's Down payment Assistance Loan Maximum Amount by \$14,000.00 (total loan amount is \$114,000..00 in order for Jocelyn Ranoco to purchase the remaining 7th Street Villa Condominium unit, known as 1655 7th Street, Eureka.

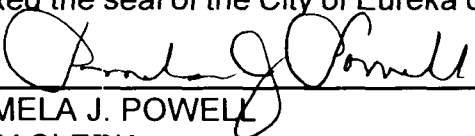
Adopted on motion by Councilmember , seconded by Councilmember , and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Agreement Amendment between the City of Eureka and Humboldt
Community Serves District for Regional Wastewater Treatment

ACTION:

Assistant City Manager Mike Knight provided a report. No one from the public addressed the council regarding this subject matter.

Council authorized the Cit Manager to execute an update agreement between the City of Eureka and Humboldt Community Services District for Regional Wastewater Treatment.

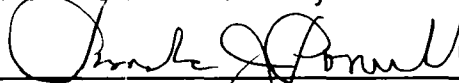
Adopted on motion by Councilmember Jager, seconded by Councilmember Leonard , and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Assistant City Manager

Agenda Item 12

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: 2010-11 Water Rates

ACTION:

Public Works Director Bruce Young provided a report. The following individuals addressed the council regarding this subject matter:

Nicholas Bravo, Eureka

Ron Kuhnel, Eureka

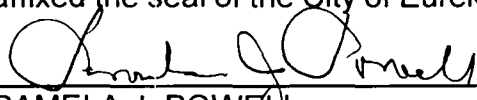
Lisa Ollivier, Eureka

Council received report and provided Staff with direction on how they would like to see the rates structured.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Public Works

Agenda Item 13

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: City Manager/Executive Director's reports

ACTION:

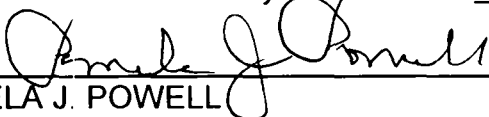
City Manager Tyson provided information regarding the following:

- Thank you to retiring Chief Eric Smith
- 20 million has been spent on water infrastructure and 15 million on waste water infrastructure in the last 20 years.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Adjournment

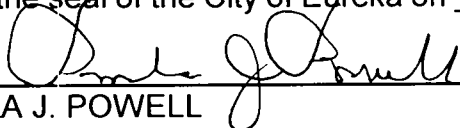
ACTION:

On motion by Councilmember Jones, seconded by Councilmember Leonard, and without objection, the meeting was adjourned at 9:06 P.M.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

AGENDA SUMMARY**RE: WEIDER, LIBERTY****FOR AGENDA DATE: JAN. 4, 2010****AGENDA ITEM No.:**

4

RECOMMENDATION:

Reject the claim for damages.

SUMMARY:

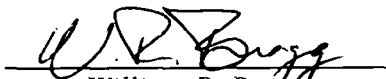
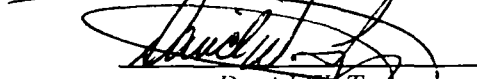
Tort claim in which claimant alleges police misconduct.

PROCEDURE:

The proposed rejection of a claim is one step in what is typically a multi-step process, as provided for by the City Municipal Code, and the City tort claims and review process. Unless the claim is patently due and payable to the claimant, all claims are

*Continued page 2***FISCAL IMPACT:**

Claimant seeks unspecified damages.

CITY ATTORNEY SIGNATURE

 William R. Bragg
 City Attorney
CITY MANAGER SIGNATURE:

 David W. Tyson
 City Manager
REVIEWED BY:
 Risk Manager
 Chief of Police
DATE:
 12/29/10
 12/29/10
INITIALS:
 PJP
 GN
Council Action:

Ordinance No. _____

Resolution No. _____

RE: WEIDER, LIBERTY	FOR AGENDA DATE: JAN. 4, 2011 AGENDA ITEM NO.: <i>Page 2</i>
----------------------------	--

SUMMARY *(continued)*

commonly rejected by the City Council at this phase. The claim is then forwarded to the coverage joint powers authority for any further appropriate action. This might include further investigation of the claim, if any appears indicated, settlement in some cases, or the defense of an ensuing legal action, as the facts and circumstances warrant.

Eureka Municipal Code § 39.22 provides the City Council with the following options:

- *Reject the claim*
- *Allow the claim*
- *Allow the Claim in part, and reject it in part, if the claim is deemed valid, but the amount claimed is found to be incorrect*
- *Reject or compromise the claim if legal liability is disputed*
- *If the City Council allows the claim in whole or in part or compromises the claim, it may require the claimant, if he accepts the amount allowed or offered, to settle the claim, to accept it in settlement of the entire claim.*

In practice, however, the City's discretion in handling claims is somewhat constrained by the City's self-insurance memorandum of coverage with the Redwood Empire Municipal Insurance Fund (REMIF). In order to maintain coverage, the City has agreed to certain terms that are common in coverage agreements, including giving REMIF: the right to control, investigate, settle, or defend any claim that is covered by the coverage agreement.

Staff believes that the proposed rejection of this claim is appropriate at this time, based on currently available information, and is in conformance with the City's agreement with REMIF regarding handling of claims.

RECEIVED
NOV 10 2010

CITY CLERK

In person

RECEIVED
NOV 15 2010
CITY ATTORNEY

NOV 15 2010

CITY ATTORNEY
FOR DAMAGES

CLAIM FOR DAMAGES
[Government Code sec. 910]

[Government Code sec. 910]

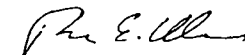
1 reasonable steps to train, discipline and manage the police
2 officers in question.

3 The injuries sustained by Claimant consist of bruising,
4 whiplash, violations of civil rights, and emotional distress.

5 This Claim for Damages constitutes an unlimited civil case.

6 All notices or other communications with respect to this
7 claim should be addressed to Peter E. Martin, Attorney at Law,
8 917 Third Street, Eureka, CA 95501.

9
10
11 Dated: November 10, 2010



Peter E. Martin
Attorney for Claimant

AGENDA SUMMARY

**RE: RESERVOIR MAINTENANCE PROJECT PHASE 3
ROOF STRUCTURE RECOATING
PROFESSIONAL SERVICES AGREEMENT**

FOR AGENDA DATE: JANUARY 4, 2011

AGENDA ITEM No.:

5

RECOMMENDATION:

Authorize staff to execute a professional services agreement with DB Gaya Consulting LLC for Protective Coating Inspection Services for the Reservoir Maintenance Project Phase 3 – Roof Structure Recoating, in an amount not to exceed \$50,000.

SUMMARY:

The Reservoir Maintenance Project is a multi-phase capital project designed to increase security and improve mechanical and electrical systems at the City's 20 million gallon reservoir. The third phase of this project consists of preparing surfaces and replacing the existing coating as necessary on the roof support structure. Bids will be opened for the painting contract on January 20, 2011.

DB Gaya Consulting LLC provided inspection services for the original coating application and inspected and evaluated the coating system in May 2006. Specifications for the painting project are based on the 2006 inspection report and a previous water storage tank coating project for which DB Gaya Consulting LLC provided inspection services. Therefore, this firm is familiar with the project requirements, as well as the location and site access limitations. Staff has negotiated the scope of work and compensation with DB Gaya Consulting LLC and is satisfied with the scope and fee.

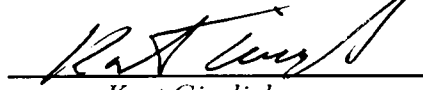
Staff recommends that Council authorize execution of a contract with DB Gaya Consulting LLC to provide Protective Coating Inspection Services on a time and materials basis for the Reservoir Maintenance Project Phase 3 – Roof Structure Recoating, for a total not-to-exceed contract amount of \$50,000.

Prepared by A. Sorensen, Associate Civil Engineer

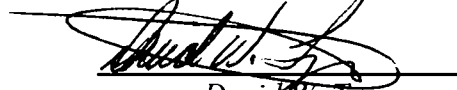
FISCAL IMPACT:

Expenditures: \$50,000 from Account #501-47000-7458-PJ 394-501 for Reservoir Maintenance Project

DEPARTMENT HEAD SIGNATURE:


Kurt Gierlich
City Engineer

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

City Attorney
Finance
Public Works

DATE:

12/29/10
12/28/10

INITIALS:

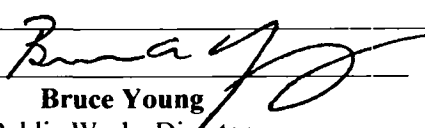
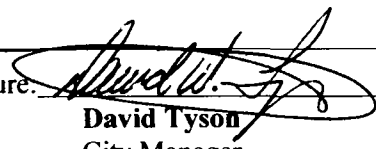
PR
BY

Council Action:

Ordinance No. _____

Resolution No. _____

City of Eureka ~ City Council
AGENDA SUMMARY

RE: Elk River Bio-solids Project	FOR AGENDA DATE: January 4, 2011 AGENDA ITEM NO.: 6												
RECOMMENDATION: <ol style="list-style-type: none">1. Award Bid No. 2011-08 to lowest responsive bidder, Synagro Technologies Inc., in an amount not to exceed \$ 213,031.2. Council approves a contingency in the amount of \$1,900 for laboratory analysis if necessary.3. Appropriate \$123,031 from account 510-44430-7450 to 510-44430-3165.													
SUMMARY OF THE ISSUE: <p>On November 21, 2010 a Notice to Contractors for the Biosolids Project was advertised. Three bids were received by the bid closing date of December 14, 2010. The bids were opened and read aloud in conformance with Eureka Municipal Code Section 39.42. Staff reviewed the bids and determined that the low bid submitted by Synagro in the amount of \$213,031 to be the best responsive bid.</p> <p>This project, if awarded, provides for needed maintenance of the Facultative Sludge Lagoons at the Elk River WWTP. The project includes mobilization and demobilization, solids processing, transport, and disposal. This project will help reduce the inventory of digested sludge in the facility.</p>													
FISCAL IMPACT: Wastewater Funds 510-44430-3165 and 510-44430-7450 include adequate funds for this project in the 2010/11 Budget.													
Signature:  Bruce Young Public Works Director	Signature:  David Tyson City Manager												
<table style="width: 100%; border: none;"><tr><td style="width: 33%;">REVIEWED BY:</td><td style="width: 33%;">DATE:</td><td style="width: 33%;">INITIALS:</td></tr><tr><td>City Attorney</td><td></td><td></td></tr><tr><td>Finance Department</td><td><u>12/29/10</u></td><td><u>PLR</u></td></tr><tr><td>Assist. City Manager</td><td><u>12/29/2010</u></td><td><u>ME/2010</u></td></tr></table>		REVIEWED BY:	DATE:	INITIALS:	City Attorney			Finance Department	<u>12/29/10</u>	<u>PLR</u>	Assist. City Manager	<u>12/29/2010</u>	<u>ME/2010</u>
REVIEWED BY:	DATE:	INITIALS:											
City Attorney													
Finance Department	<u>12/29/10</u>	<u>PLR</u>											
Assist. City Manager	<u>12/29/2010</u>	<u>ME/2010</u>											
COUNCIL ACTION: Ordinance No. _____	 Resolution No. _____												

AGENDA SUMMARY**RE: C STREET REPAIR****FOR AGENDA DATE: JANUARY 4, 2011****AGENDA ITEM NO.:**

7

RECOMMENDATION:

1. Authorize payment of \$27,866.30 to RAO Construction Company for the C Street Repair.
2. Appropriate Proposition 42 funding in the amount of \$27,866.30 for the C Street Repair.



SUMMARY:

Settlement of the pavement in the center of C Street, north of Second Street, has been an issue of concern for the City of Eureka. During construction of the C Street Revitalization Projects, staff observed additional cracks forming in the pavement, resulting in an overall increase in the size of the settled area, and began investigating potential causes and solutions.

In an effort to minimize mobilization costs and expedite the repair, staff requested a cost proposal from Ford Logging, Inc., the firm under contract for construction of the C Street Market Square. The cost proposal was requested in April of 2010, but excessive rainfall prevented Ford Logging from proceeding with the work in the spring. In order to avoid impacts to Old Town visitors and businesses, the work was postponed until mid-September. Scheduling conflicts prevented the work from being accomplished in September or October, and postponing the work until January of 2011 was undesirable for all parties involved. Therefore, the services of RAO Construction Company were utilized to complete the repair before the start of the holiday shopping season.

*Continued page 2***FISCAL IMPACT:**

Expenditures: \$27, 866.30 from Account #227-44200-7220 for C Street Repair

DEPARTMENT HEAD SIGNATURE:

 Kurt Gierlich
 City Engineer
CITY MANAGER SIGNATURE:

 David W. Tyson
 City Manager
REVIEWED BY:

City Attorney
 Finance
 Public Works

DATE:

12/29/10
 12/23/10

INITIALS:

PLN
 BY

Council Action:

Ordinance No. _____

Resolution No. _____

RE: C STREET REPAIR

FOR AGENDA DATE: JANUARY 4, 2011

AGENDA ITEM No.:

Page 2

SUMMARY *(continued)*

The work included removing the damaged pavement; excavating unsuitable materials, including sawdust, clay, and remnants of a redwood storm drain; and verifying the integrity of the 54-inch diameter storm drain that runs parallel to the excavated area. Appropriate backfill material was imported and compacted, and the pavement was replaced. The project was completed in less than one week.

Staff recommends that Council authorize payment of \$27,866.30 to RAO Construction Company and appropriate Proposition 42 funding in the amount of \$27,866.30, from Account #227-44200-7220, for the C Street Repair. This funding source is designated for street or road maintenance, reconstruction, or storm drain repair.

Prepared by A. Sorensen, Associate Civil Engineer



AGENDA SUMMARY**RE: NEW DIRECTIONS - NCRC****FOR AGENDA DATE: JAN. 4, 2011****AGENDA ITEM NO.:**

8

RECOMMENDATION:

1. Authorize the City Manager to execute an Agreement with the North Coast Resource Center for the Work Plan for the Humboldt Bay Public Access Enhancement Project; and
2. Appropriate \$17,600 from General Fund Reserves to fund the proposed program.

SUMMARY:

The North Coast Resource Center (NCRC) initiated the New Directions program as alternative approach to homeless encampments. The funding for the Program's first year has been provided by the Coastal Conservancy with the goal of cleaning up homeless encampments in the PALCO Marsh and other natural areas around Humboldt Bay. NCRC's New Directions program has had a positive environmental impact by removing these encampments and nearly 60,000 pounds of debris from these natural areas of our community. In addition to these positive results New Directions has assisted City staff in the removal of 143 homeless encampments.

NCRC is seeking the City's support to continue these efforts in Eureka over the next year. Attached to the Agenda Summary is a budget proposal and scope of work. If the City Council is interested in continuing the New Directions program, the City Council would direct staff to return with the Agreement and funding recommendation.

FISCAL IMPACT: Funding of this program would result in an additional appropriation of \$17,600 from the City's General Fund.

CITY MANAGER SIGNATURE:
David W. Tyson
City Manager**REVIEWED BY:****DATE:****INITIALS:****Council Action:**

Ordinance No. _____

Resolution No. _____

**Work plan for the North Coast Resource Center's
Humboldt Bay Public Access Enhancement Project
NEW DIRECTIONS**

Background

Homeless encampments pose an ongoing challenge for public access, water quality and wildlife habitat in the natural and public access areas around Humboldt Bay. New Directions has demonstrated an innovative, cost-effective, long-term approach to reducing the homeless encampment problem in natural and public access areas around Humboldt Bay by cleaning areas and making them more attractive and accessible to the general public, while also providing information to homeless individuals about available services. Additionally, the positive impact to wildlife and the environment in these areas is significant.

The North Coast Resource Center (NCRC) initiated the New Directions program one year ago to take an alternative approach to homeless encampments. Through the program, a group consisting of a trained case manager and volunteers, supported by City Officials, approached and engaged illegal campers offering resource referrals and education in "good neighbor" conduct. All of the volunteers in the New Directions program are homeless or formerly homeless and participants in the NCRC's Back to Basics employment readiness/Learned Behavior Programs. The first encampment visit was purely introductory and educational in nature. If the inhabitants of the encampment that are present at the time, they are engaged in discussion and informed of resources available to them locally. Agency contact information is handed out and future contact encouraged with at least the New Directions program. If no individuals are present, written material, clean-up date notification and business cards are securely posted at the location. In the case of absentee campers, a second attempt and in some cases a third visit to make personal contact is made. In the event that no contact is made, the New Directions crew comes prepared to remove all debris and all trash and litter is taken away. Personal belongings collected are inventoried (photo, GPS location) and stored for 30 days. Notification of collection and storage is securely posted at the location together with instructions for retrieval of belongings. Maintenance visits keep areas cleared of debris and discourage re-establishment of the encampment(s).

The project has provided funding (\$20,000) for homeless encampment cleanups in the PALCO Marsh area and other natural and public access areas around Humboldt Bay over the past 12 months. We believe we have secured \$15,000 for a future area to be announced by the Coastal Conservancy and the City of Eureka. Encampment cleanups were conducted in cooperation with the City of Eureka, who are the landowners of the areas in question. We have witnessed a growth of the general public's use of these areas as a result, and that wildlife habitat and water quality will be enhanced over a period of time.

To date the NCRC and the City of Eureka has removed 60,000 pounds of debris, disposed of 392 syringes and addressed 143 homeless encampments and 13 local businesses on the environmental impacts to our marsh areas created by Poverty and Homelessness.

The NCRC, by using the resources available in the City's of Eureka and Arcata were able to relocate 18 individuals into Housing or Shelter. The NCRC has also reunited 4 other individuals with their families by using our County's Transportation Assistance Program (TAP).

Task 1. Established procedure with the City of Eureka for identification and cleanup of specific encampments or areas with frequent encampments

NCRC staff has met with City of Eureka staff and determined how encampments will be identified for cleanup and how the City will be consulted regarding planned cleanup activities. NCRC will need to extend time limit on current project area and obtain the City's agreement with outreach and cleanup protocol on possible new areas of engagement. NCRC will obtain permission to access City property to conduct the cleanups in new areas that are environmental sensitive. Cleanup areas will include some sites that were acquired with Coastal Conservancy funds (PALCO Marsh) or sites that are likely to be locations for the California Coastal Trail (e.g. railroad line south of Arcata, Elk River Access Project). This task could also include parallel sites that would be affected by our engagement efforts.

Schedule: Planning meeting should be set to address the above before work is started.

Deliverables: NCRC will create new protocol for identifying encampments for cleanup and for conducting cleanup that is acceptable to The City of Eureka and all of their community partners. Access agreements from the City of Eureka to NCRC for new areas of engagement will be signed by all parties involved

Task 2. Conduct initial Encampment visits and cleanups

NCRC staff and volunteers will conduct initial encampment visits and cleanups in specific encampments or general areas identified in Task 1. The majority of cleanup sites will be located in the City of Eureka Marsh Areas, where the project has received direct field support by Police and City Management. This task also includes tagging and storage of personal property collected during cleanups. Personal property will be stored for 30 days if unclaimed.

The NCRC will continue to coordinate with the City of Eureka's Public Works Dept. for dumpster delivery and pick-up. This process has worked almost flawlessly between the Public Works Dept, Eureka Sanitation and the NCRC.

Schedule: Outreach and cleanups of new areas will begin in November 2010 and be completed by November 2011.

Deliverables: Documentation of cleanups, including before and after pictures, approximate man hours of outreach and cleanup, approximate amount of garbage removed.

Task 3. Conduct maintenance visits

NCRC staff and volunteers will return to original target encampment sites for follow-up cleanups and to check on the condition of the sites to determine whether the

initial outreach and cleanup was effective at reducing the impacts of campers and/or the size of the encampment. The frequency of maintenance visits will be determined based on the level of ongoing impacts at each site, which are expected to decline over time. Weekly or bi-weekly maintenance visits by the New Directions crew are anticipated to be necessary for areas where illegal encampments are common, long-term, or re-inhabitation is frequent.

In current engagement area (Palco Marsh) NCRC will continue to monitor and maintain this area while working parallel on new adjoining Marsh areas that we are assigned to. NCRC has secured a small trailer to reduce cost of dumpsters and by removing small amounts of trash on a daily basis while maintaining the original target area.

Schedule: The start date will be immediate to the signing of new agreement and will continue on for one year from that date in 2011.

Deliverables: Documentation of encampment condition at time of maintenance visit (photographs or notes, estimate of amount of garbage removed).

Task 4. Project Management and Administration

Project management includes preparation of reports and invoices to the City of Eureka. The NCRC will have ongoing communications with the City of Eureka and any other entities that the City of Eureka would match our program to. This option would be used in other areas to address environmental impacts created by poverty and homelessness outside of contracted target areas. The City of Eureka would have the option to enlist the New Directions Program in other areas at additional cost to cover expenses related to these new areas. The City of Eureka would also have the option of assigning The New Directions program to address volunteer management on special events and to provide safety training to all community participants at NO COST.

Schedule: Ongoing weekly and monthly reports.

Deliverables: Status reports with each invoice, final report at conclusion of project.

Budget: See attached Microsoft Excel Spreadsheet for budget.

AGENDA SUMMARY

**RE: ELK RIVER ACCESS/IKSORI TRAIL PROJECT.
CONSOLIDATE COASTAL PERMIT AUTHORITY
WITH THE COASTAL COMMISSION**

**FOR AGENDA DATE: JANUARY 4, 2011
AGENDA ITEM NO.:**

9

RECOMMENDATION:

1. Adopt Resolution No. 2011-__, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA CONSENTING TO THE CONSOLIDATION OF COASTAL PERMITTING ACTION WITH THE CALIFORNIA COASTAL COMMISSION FOR THE ELK RIVER ACCESS/IKSORI TRAIL PROJECT, AND DELEGATING TO THE DIRECTOR OF COMMUNITY DEVELOPMENT AUTHORITY TO CONSENT TO FUTURE COASTAL PERMIT CONSOLIDATIONS

SUMMARY:

The Elk River Access/Iksori Trail Project, which is described on the following pages, is located within the Coastal Zone and requires a Coastal Development Permit. The jurisdiction for granting the Coastal Development Permit is split between the City of Eureka, and the California Coastal Commission; as such, the project requires a Coastal Development Permit from both the City of Eureka and from the California Coastal Commission. However, in order to expedite permit processing and to prevent unnecessary and duplicative processes the Coastal Act allows the city to consolidate its coastal permit authority with the Coastal Commission, allowing the Coastal Commission to grant a single Coastal Development Permit. By adopting the attached resolution, the City Council is consenting to the coastal permit consolidation.

ATTACHMENTS:

Attachment 1 Resolution for Consolidation of Coastal Permit Authority

Continued page 2

FISCAL IMPACT: None with this action

DEPARTMENT HEAD SIGNATURE:


Sidnie L. Olson
Director of Community Development

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

Assistant City Manager

DATE:

12/27/10

INITIALS:

MK

Council Action:

Ordinance No. _____

Resolution No. _____

SUMMARY (continued):

Within the city the lands generally west of Broadway, north of 3rd Street and east of Myrtle Avenue are within the California Coastal Zone. If development in the Coastal Zone is not Statutorily Exempted or Categorically Excluded it requires approval of a Coastal Development Permit. Statutory Exemptions are defined by law and include such things as repair and maintenance activities. Categorical Exclusions are defined by geographic area and include waiver of a Coastal Development Permit for such things as lot line adjustments and principally permitted development.

Within the Coastal Zone there are three geographic areas of permit authority:

- Where the California Coastal Commission has retained coastal permit authority. In these areas, which include all tidelands, the City has no authority for granting the Coastal Development Permit.
- Where the City has primary coastal permit authority. In these areas, the City has the primary authority to grant the Coastal Development Permit, but our actions are appealable to the California Coastal Commission.
- Where the City has sole coastal permit authority. In these areas, the City has sole jurisdiction for granting the Coastal Development Permit. There is no appeal of our action to the Coastal Commission.

If a development is in an area where coastal permit authority is split, a Coastal Development Permit is required by both the City and the Coastal Commission. However, Public Resources Code § 30601.3 allows for consolidation of the coastal permit authority with the Coastal Commission when the applicant, the City and the Commission all consent to such consolidation. The City Council has consented to consolidated coastal permit action approximately six times since Public Resources Code § 30601.3 was adopted by the Legislature in 2006.

30601.3. (a) Notwithstanding Section 30519, the commission may process and act upon a consolidated coastal development permit application if both of the following criteria are satisfied:

(1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission.

(2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.

(b) The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision (a) shall follow Chapter 3 (commencing with Section 30200), with the appropriate local coastal program used as guidance.

(c) The application fee for a consolidated coastal development

permit shall be determined by reference to the commission's permit fee schedule.

(d) To implement this section, the commission may adopt guidelines, in the same manner as interpretive guidelines adopted pursuant to paragraph (3) of subdivision (a) of Section 30620.

In all past requests to consolidate coastal permit authority, the Director of Community Development has sent the request to the City Council for consent authorization. Scheduling the item for action by the City Council can delay the project up to two months. Keeping in mind that one of the primary purposes of Public Resources Code § 30601.3 is to expedite permit processing and prevent duplicative actions, the City Council may delegate to the Director of Community Development the authority to "consent to consolidate the permit action." Delegation by the City Council to the Director of Community Development the authority to consent to consolidate future coastal permit actions will eliminate the delay. The attached Resolution contains language that provides such authorization and delegation.

ELK RIVER ACCESS/IKSORI TRAIL PROJECT

The Elk River Access/Iksori Trail Project's purpose is to enhance public access to the Elk River Wildlife Sanctuary (ERWS), Elk River estuary, and Humboldt Bay. The project will thereby encourage an appreciation of the environment and historic uses of the area, improve public health, increase the safety of trail users and recover native habitat values where possible. The major elements of the project include the following:

1. Truesdale Vista Point

Located between Truesdale Street and the City's McCullens Avenue Pump Station is an existing dirt lot with a largely unimproved surface. With improvements, the site has potential for high use levels, with close and visible proximity to the Bayside Mall and US 101, and existing moderate use. Public access improvements here are a priority in the Eureka General Plan and Capital Improvement Program.

Parking Proposed permeable surface (stalls only), 14,400 square feet, with 23 spaces, three ADA-compliant. Remainder of parking area surface to be AC with adjacent concrete sidewalk areas and landscaping which will be utilized for treatment of runoff from parking area (bioretention swale / vegetated strips).

Roadway Upgrade of 600 square feet of Truesdale Street adjacent to Vista Point, including railroad crossing improvements.

Multi-Use Trail Parallel to shoreline, (potentially paved) surface for high-level use and compatibility with segment south of pump station, approximately 380 linear feet. Standard 14' width, including 4' of hard/unpaved adjacent path and an additional two to four feet of disturbed shoulder (for all multi-use trail in project area). City-removable/collapsible access control structure

(bollard/s) to prevent vehicular access.

Day-Use Area

Scenic trailhead and visitor area including: two to four picnic tables, benches, trash receptacle/dog cleanup station, appropriate (low focus) lighting. Signage (see below). Pump station fencing will be planted with plants growing up trellises providing a natural green screen to the pump station as opposed to a chain link fence. The vegetation will provide a noise block, visual screen, habitat for species and will be planted with fragrant or edible species. Pump station may be repainted.

Signage

Site name sign at entrance. Trailhead kiosk: three or four-sided structure, including site use guidelines, region/site map and natural/cultural history interpretive information.

Restroom

Plumbed restroom facility on northeast side of parking area.

Landscaping

Significant landscaping to add scenic element to site as viewed from US 101. Native plants recommended, few trees. Appropriate landscaping and 420 feet of upgraded fencing (living fence) to screen pump station facility. Landscaping will be utilized for stormwater treatment and retention with vegetated and/or bioretention swales. Design will include vehicular access control to trail and beach. Potential elements of public art.

Observ. Platform

Raised (approximately 48") platform for bay/birdlife viewing at northwestern corner of Vista Point. One or two rail-mounted interpretive signs.

2. Truesdale Park

The former City storage yard area south of the pump station – approximately 425 linear feet.

Multi-Use Trail

Start of improved trail will be paved surface, either AC or NaturalPave with a 4' hardened/unpaved shoulder.

Landscaping

Potential earthscaping/raised relief, groundcover, some shrubs and trees, all natives. Planting of shore pines in between decadent Monterey pines to sustain biological shoreline protection. Removal of invasive non-native species and existing fences. Potential elements of public art appropriate for a natural landscape.

3. Truesdale to Hilfiker

The former Crowley property north of Hilfiker Lane – approximately 650 linear feet. This area has substantial native vegetation interspersed with numerous invasive exotic plants.

Multi-Use Trail

Continuation of improved Elk River Trail, paved- 10' either AC or Nature Pave and 4' hard/unpaved shoulder.

Landscaping

Invasive exotic plant removal and native species plantings.

- Signage** Two trailside interpretive signs that will include restricted use language.
- Observ. Platform** Potential: slightly raised earthen platform for bay/birdlife viewing. Two or three rail-mount interpretive sign/s. Siting will depend on confirmation of location of wastewater transmission line.

4. Elk River Paddling Access

Southwest end of the former Crowley property and corner of Hilfiker Lane. There will be a roadway entrance to the paddle boat parking and access site.

- Paddle Boat Access** 'Primitive' beach launch with footpath from parking area.
- Day-Use Area** Minimal paddling facilities: two picnic tables, trash receptacle/dog cleanup station, plumbed restroom.
- Restroom** Plumbed or vault restroom facility on northeast side of parking area.
- Parking** Hard surfaced for eight vehicles, including one ADA-compliant space. Landscaped areas utilized for stormwater treatment and detention using vegetated and/or bioretention swales.
- Multi-Use Trail** Continuation of improved Elk River Trail, paved- 10' either AC or NaturalPave with 4' hardened/unpaved shoulder.
- Signage** Welcome sign at corner of Hilfiker Lane facing roadway – potentially could direct traffic to ERWS trailhead at end of Hilfiker and identify corner site for paddling access. Small paddling access kiosk with site use guidelines, 'water trail' map, and interpretive information.
- Multi-Use Trail** Continuation of Iksori Trail south of parking area, 10' either AC or NaturalPave with 4' hardened/unpaved shoulder.
- Landscaping** Gateway landscaping and earthscaping at corner of Hilfiker Lane and around parking area with primarily native shrubs. Vehicular access control to beach and trail. Landscaped areas utilized for stormwater detention/bioretention swales. Potential elements of public art.

5. Hilfiker Lane Trail

From corner of Hilfiker Lane to trailhead – approximately 1500 linear feet.

- Multi-Use Trail** Continuation of improved trail as above. Outer edges of trail will be a minimum of approximately four feet from Hilfiker Lane and extreme high tide line. Trail will depart from shoreline onto the roadway along existing Schwaika Property until easement or purchase of private property allows continuation of trail off of roadway. Road will be realigned to accommodate an adjacent 6-8' trail, separated from Hilfiker Road by a raised curb.
- Signage** Two trailside interpretive signs along trail route.

Landscaping Earthscaping, native trees and shrubs. Structural control of vehicular access control to beach and trail between roadway and trail corridor. Potential elements of public art. Some or all large boulders will be removed and replaced with more aesthetic vehicular access control.

Observ. Platform Potential: raised earthen berm for bay/birdlife viewing at point of armored shoreline. Two or three rail-mount interpretive sign/s.

6. Hilfiker Lane Trailhead

North of and surrounding existing ERWS parking lot. This area will be less developed than the more urban environment of the Truesdale Vista Point.

Parking Existing asphalt parking for 21 vehicles. This lot should be adequate for proposed improvements in the area. Two parking sites should be designated for ADA access.

Day-Use Area Scenic trailhead and visitor area: picnic tables, benches, trash receptacle/dog cleanup station, appropriate (low focus) lighting. Existing cyclone fencing and some or all large boulders will be removed and replaced with more aesthetic vehicular access control.

Restroom Plumbed restroom facility on northeast side of parking area.

Multi-Use Trail Continuation of improved trail as above to connect with existing trail, described below.

Signage Three- to four-sided trailhead kiosk as above including site use guidelines, region/site map and natural/cultural history interpretive information. Two trailside interpretive signs.

Landscaping Extensive landscaping, earthscaping and beach/trail access control around parking lot and along Hilfiker Lane with primarily native plants. The large fill area north of the parking lot could be maintained as a mowed open space for recreational activities, or it could be more heavily earthscaped with an artistic focus. Potential elements of public art.

7. Existing ERWS Trail

Informal trail south of Hilfiker Lane trailhead to railroad corridor at Pound Road – approximately 3890 linear feet

Multi-Use Trail Continuation of trail south of parking area as above. The trail will cross the railroad and continue to Pound Road.

Surfacing improvements to existing informal trail will include: aerial and surface vegetation removal in 16' corridor, grading, and application of trail base and surfacing materials to width standards as above. Limited amount of additional vegetation clearing to improve visibility and safety. An

approximately 26' long and 10-12' wide bridge will be installed over a narrow finger of slough just northwest of the railroad crossing (see below) at the south end of the ERWS.

Signage Up to six trailside interpretive signs. Potential 'use guideline' sign to communicate status of railroad crossing access/use or a related safety warning.

8. Riverside Footpath

South of ERWS parking lot there is an existing footpath to and along the river's edge that connects back to the multi-use trail – approximately 1090 linear feet – used for fishing and birdwatching. Improvements to this trail will reduce off-trail travel on the river's edge.

Footpath Proposed surfacing improvement to 4' width of crushed shale or similar surface.

Signage Up to three trailside interpretive signs.

9. Pound Road Access

Current informal pedestrian access to and from Herrick Road overpass and Pound Road over railroad corridor – approximately 405 linear feet from railroad corridor to small existing parking area and gate; approximately 1000 linear feet from small parking area to US 101 Park & Ride lot. Large Park & Ride lot adjacent to US 101 has ample parking space for anticipated uses; trailhead uses are in process for approval by Caltrans.

Signage Trailhead kiosks/signs will be at the trail access point (former informal parking area) and at the Park & Ride.

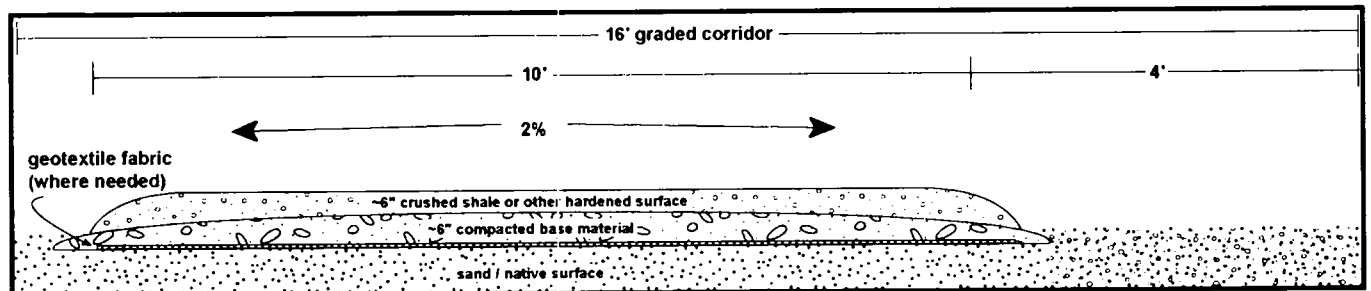
Roadside Trail A road-adjacent 6-8' wide asphalt trail, separated from Pound Road by a raised curb, will be developed for 255' from the Park & Ride north to the entrance of Pro-Pacific, where a crosswalk will provide access to the pedestrian/bicycle access adjacent to the proposed gate (see below). Between the proposed gate and the existing informal parking area, pedestrian/bicycle traffic will share Pound Road with very limited traffic associated with one landowner and City maintenance.

Railroad crossing West of the existing gate at the informal parking area, an existing volunteer footpath crosses over the railroad corridor. This trail will be improved to multi-use standards. Over the railroad tracks, a temporary paved crossing will be constructed, leaving tracks in place and will be reconstructed to accommodate rail use when railroad becomes operational.

Access Control A new/refurbished gate will be installed on Pound Road west of the private entrance to Pro-Pacific fresh produce shipping facility/warehouse to limit vehicular access to use by the City and one private landowner and prioritize pedestrian/bicycle use for the remainder of Pound Road.

Trail Route Layout and Design

The trail itself will consist of a 10' hard surface trail with 4' of adjacent soft path (4' on one side). High traffic parts of the trail will be surfaced with NaturalPave or AC, with a hardened (e.g. crushed shale) adjacent shoulder/path; the rest of the trail will either be surfaced with hardened/crushed shale surface or NaturalPave. The trail surface will support wheelchair users and bicyclists while fitting the natural landscape



Typical Proposed Iksori Trail Cross-Section.

RESOLUTION NO. 2011-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA
CONSENTING TO THE CONSOLIDATION OF COASTAL PERMITTING
ACTION WITH THE CALIFORNIA COASTAL COMMISSION FOR THE
ELK RIVER ACCESS/IKSORI TRAIL PROJECT, AND DELEGATING TO
THE DIRECTOR OF COMMUNITY DEVELOPMENT AUTHORITY TO
CONSENT TO FUTURE COASTAL PERMIT CONSOLIDATIONS**

WHEREAS, the City of Eureka is proposing the development of the ELK RIVER ACCESS/IKSORI TRAIL PROJECT; and

WHEREAS, the Elk River Trail is located in the Coastal Zone; and

WHEREAS, coastal permit authority for the Elk River Trail project is split between the City of Eureka and the California Coastal Commission; and

WHEREAS, the California Coastal Act of 1976, Public Resources Code § 30601.3 allows for a consolidated permitting process for projects for which the coastal development permit authority is shared by a local government and the State Coastal Commission; and

WHEREAS, the Public Resources Code § 30601.3 requires the applicant, the local government, and the Executive Director of the Coastal Commission to consent to the consolidation; and

WHEREAS, consolidation may only proceed where public participation is not substantially impaired by the review consolidation; and

WHEREAS, the City of Eureka finds that the consolidated coastal development permit application would benefit the City, which is the Applicant, and the Coastal Commission by avoiding unnecessary and duplicative processing; and

WHEREAS, in all past requests to consolidate coastal permit authority, the Director of Community Development has sent the request to the City Council for consent authorization which can delay a project up to two months; and

WHEREAS, one of the primary purposes of Public Resources Code § 30601.3 is to expedite permit processing and prevent duplicative actions, and the City Council's action to delegate to the Director of Community Development the authority to "consent to consolidate the permit action" will eliminate the delay.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Eureka, that pursuant to Public Resources Code Section 30601.3 the City Council consents to the coastal permit action consolidation for the Elk River Trail project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Council of the City of Eureka, that the Director of Community Development has the authority of the City Council to consent to future requests for consolidation of coastal permit authority.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2011 by the following vote:

AYES: COUNCIL MEMBERS
NOES: COUNCIL MEMBERS
ABSENT: COUNCIL MEMBERS
ABSTAIN: COUNCIL MEMBERS

Frank Jäger, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

David. W. Tyson, City Manager

William Bragg, Interim City Attorney

AGENDA SUMMARY**RE: 2010 California Fire Code****FOR AGENDA DATE:** January 4, 2010**AGENDA ITEM NO.:**

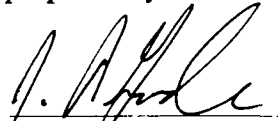
10

RECOMMENDATION:

1. Waive reading, read by title only, and introduce Bill No. 833-C.S., an ordinance amending Title 9, Chapter 92, Adoption of the California Fire and Life Safety Code, repealing Sections 92.01 through 92.06 and replacing with new sections 92.01 through 92.06, adopting by reference the 2010 California Fire Code and related model codes and appendices and amendments.
2. Adopt Resolutions of the City Council of the City of Eureka setting forth express findings that amendments to the fire code contained in the California Code of Regulations (CCR), Title 24, Part 9 are necessary because of local climactic, geological or topographical conditions.

SUMMARY:

The California Building Standards Commission (BSC) updates and amends the California Fire Code every three years. California Health and Safety Code Section 18938 mandates that the most recent edition of the code shall apply to all occupancies throughout the State and shall become effective 180 days after publication in the California Building Standards Code. For this code cycle, the effective date was January 1, 2011.

prepared by:


Rusty Goodlive
Fire Marshal

*Continued page 2***FISCAL IMPACT:** None with this action.**DEPARTMENT HEAD SIGNATURE:**


Bill Gillespie
Interim Fire Chief

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

Assistant City Manager
City Attorney
Engineering
Fire

DATE:

12-29-10
12-29-10
12-29-10
12-29-10

INITIALS:

MLC
BB
KG
BS

*Choose these departments as needed.***Council Action: 2010 California Fire Code**

Ordinance No. _____

Resolution No. _____

AGENDA SUMMARY

If approved, Bill NO. 833-C.S. adopts the 2010 California Building Standards Code as the Fire and Life Safety Code of the City of Eureka, as stated in Eureka Municipal Code Title 9, Chapter 92, Section 92.01. Section 92.01 references and includes the codes adopted in Eureka Municipal Code Title 15, Chapter 150, Sections 150.015 through 150.022, which include:

- 2010 California Building Code (Title 24, Part 2) based on the 2009 International Building Code;
- 2010 California Residential Code (Title 24, Part 2.5) based on the 2009 International Residential Code
- 2010 California Electrical Code (Title 24, Part 3) based on the 2008 National Electrical Code;
- 2010 California Mechanical Code (Title 24, Part 5) based on the 2009 Uniform Mechanical Code;
- 2010 California Plumbing Code (Title 24, Part 6) based on the 2009 Uniform Plumbing Code;
- 2010 California Energy Code (Title 24, Part 6);
- 2010 California Historical Building Code (Title 24, Part 8);
- 2010 California Fire Code (Title 24, Part 9) based on the 2009 International Fire Code;
- 2010 California Existing Building Code (Title 24, Part 10) based on the 2009 International Building Code;
- 2010 California Green Building Standards Code (Title 24, Part 11);

The 2010 California Building Standards Code incorporates the above referenced model codes that have been amended by the BSC to increase the safety of the public and to reduce the potential for property damage from fire, earthquakes, and other natural or manmade disasters. It has been widely demonstrated where the latest Construction Codes are adopted and properly enforced, losses are dramatically reduced.

Fees do not increase by adopting the 2010 California Fire Code. Bill No. 833-C.S. provides that fees will continue to be adopted by resolution. Fees are contained in the "Schedule of Fees and Services Charges" and considered annually by the City Council.

In addition to adopting the 2010 California Building Standards Code as the Fire and Life Safety Code of the City of Eureka, Bill No. 833-C.S. amends Sections 92.01 through 92.06. Bill No. 833-C.S. as written proposes changes to code section references by updating those references to the 2010 California Fire Code, and applicable sections.

Local governments may amend the building standards contained in California Code of Regulations (CCR), Title 24 for all occupancies, and the regulations of the Department of Housing and Community Development applicable to residential structures. The provisions of law that permit these local government amendments contain subtle differences. Building Standards Law requires the following:

- The governing body of the local government must make express findings that amendments to the building standard contained in CCR, T-24 are necessary because of local climatic, geological, or topographical conditions.
- The local government amendments must provide a more restrictive building standard than that contained in CCR, T-24.
- The amendments are neither effective nor operative until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission.

Bill No. 833-C.S. contains several amendments to the 2010 California Fire Code, Title 24, Part 9 only. The proposed amendments are found in the proposed new Eureka Municipal Code Section 92.02. Many of these amendments are adoptions of Chapters or Sections of Chapters of the International Code that were not adopted by the State.

Attached for reference is Bill No. 833-C.S. which contains all new proposed language. Also attached is a copy of prior sections 92.01 through 92.06 with proposed new language underlined and language recommended to be deleted in strike-through.

The new model code has been reviewed by the Humboldt County Fire Prevention Officers Association and bill 833-C.S. contains their approved adoptions and amendments.

ATTACHMENTS:

Bill No. 833-C.S.

Resolution setting forth findings of fact for Fire Code amendments

**AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA
MUNICIPAL CODE TITLE 9, CHAPTER 92, SECTIONS 92.01 THROUGH 92.06
ADOPTING THE 2010 EDITIONS OF THE CALIFORNIA CODES AND
RELATED MODEL CODES WITH APPENDICES AND AMMENDMENTS ALL
RELATING TO FIRE AND LIFE SAFETY**

Be it ordained by the City Council of the City of Eureka as follows:

Section 92.01 through Section 92.06 of the Eureka Municipal Code is amended to read as follows:

**§ 92.01 ~~ADOPTION OF CALIFORNIA FIRE AND LIFE SAFETY~~
CODE.**

Those certain documents including their appendices, supplements, and errata, as adopted by the City of Eureka in the Eureka Municipal Code Title 15, §§ 150.015 through 150.022, copies of which are on file in the respective designated offices as referenced in §§ 150.015 through 150.022, are adopted as amended, deleted, and/or added to as the Fire and Life Safety Code of the city for regulation and providing minimum standards for the nationally recognized good practices for safeguarding to a reasonable degree of life and property from the storage, handling, and use of hazardous substances, material, and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises in the city; providing penalties for the violation of such codes; and each and all of the regulations, provisions, penalties, conditions and terms of the aforementioned codes, published by said organizations, and amended by the state, on file in the office of the city are hereby referred to, adopted and made part hereof as amended, deleted and/or added to as if fully set out in this section.

('63 Code, § 3-3.01) (Ord. 350-C.S., passed 10-6-89; Am. Ord. 497-C.S., passed 7-20-89; Am. Ord. 516-C.S., passed 7-19-90; Am. Ord. 604-C.S., passed 1-16-96; Am. Ord. 666-C.S., passed 3-4-03; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.02 CALIFORNIA FIRE CODE AMENDMENTS.

The ~~2010~~ 2007 California Fire Code, Title 24, Part 9, Based on the ~~2009~~ 2006 International Fire Code is hereby amended as follows:

(A) Chapter 1 – Scope and Administration, the following sections are added to the Fire Code:

- a. Section 101 - General. Entire section is adopted.
- b. Section 102 - Applicability. Entire section is adopted.

c. Section 103 - Department of Fire Prevention. Entire section is adopted.

d. Section 104 - General Authority and Responsibilities. Entire section is adopted.

e. Section 106 - Inspections. Entire section is adopted.

j. Section 107 - Maintenance. Entire section is adopted.

k. Section 108 Board of Appeals: Section is adopted and amend section to read: Board of Appeals shall be established in § 150.024 of the Eureka Municipal Code

h. Section 109 - Violations. Entire section is adopted.

i. Section 110 - Unsafe Buildings. Entire section is adopted.

j. Section 111 - Stop Work Order. Entire section is adopted.

k. Section 112 – Service Utilities. Entire section is adopted

l. Section 113 – Fees. Entire section is adopted

(B) Chapter 3- General Precautions Against Fire, is added to the Fire Code, and the entire chapter is adopted with the following amendment

a. Exception: Section 308.2 Open Flames, Permit required is omitted.

~~(B) Chapter 4– Emergency Planning and Preparedness, the following sections are added to the Fire Code:~~

~~a. Section 401 General. Entire section is adopted.~~

~~b. Section 402 Definitions. Entire section is adopted.~~

~~c. Section 403 Public Assemblages and Events. Entire section is adopted.~~

~~d. Section 404 Fire Safety and Evacuation Plans. Entire section is adopted.~~

~~e. Section 405 Emergency Evacuation Drills. Entire section is adopted.~~

(C) Chapter 5 - Fire Service Features, is added to the Fire Code, and the entire chapter is adopted with the following amendments.

- a. Section 505.1.1 is added to read: For other than one and two family dwellings and individual mobile homes, address numbers shall be a minimum of 6 inches in height. Where buildings are set back from the street, larger numbers may be required.
Exception: Existing legible identification
- b. Section 505.1.2 is added to read: In multi-tenant buildings individual tenant spaces shall be identified with characters a minimum of 2 inches in height located on the entry door or on the wall at the strike-side of the entry door.
Exception: Existing legible identification
- c. Section 506.1.2 is added to read: Approved key boxes shall be installed in new buildings equipped with fire alarm systems, fire sprinkler systems, elevators, and/or as required by 506.1. Key boxes shall be installed in existing buildings where new fire alarm systems, fire sprinkler systems, and/or elevators are installed, or as required by 506.1.
- d. Section 506.1.3 is added to read: Motorized gates providing access to facilities or property shall be provided with an approved gate key switch or other approved means of emergency operation. The switch shall be installed so it will open the gate and the gate will remain in the open position until re-set by the fire department.

(D) Chapter 8 – Interior Finish, Decorative Materials, and Furnishings

- a. Section 806 Decorative Vegetation in New and Existing Buildings is adopted
Exception: Section 806.1 is omitted.

(E) Chapter 9– Fire Protection Systems

- a. Section 903.4.4 is added to read: In addition to the requirements of 903.4, valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems shall be locked in the correct position.

(D) Chapter 17 - Fumigation and Thermal Insecticidal Fogging, is added to the Fire Code, and the entire chapter is adopted.

~~(E) Chapter 25 – Tire Rebuilding and Tire Storage, is added to the Fire Code, and the entire chapter is adopted.~~

~~(F) Appendix Chapter 1 Administration, the following sections are added to the Fire Code:~~

- ~~a. Section 101 General. Entire section is adopted.~~
- ~~b. Section 102 Applicability. Entire section is adopted.~~
- ~~c. Section 103 Department of Fire Prevention. Entire section is adopted.~~
- ~~d. Section 104 General Authority and Responsibilities. Entire section is adopted.~~
- ~~e. Section 106 Inspections. Entire section is adopted.~~
- ~~f. Section 107 Maintenance. Entire section is adopted.~~
- ~~g. Section 108 Board of Appeals. Adopt entire section, and amend section to read:

Board of Appeals shall be established in §150.024 of the Eureka Municipal Code~~
- ~~h. Section 109 Violations. Entire section is adopted.~~
- ~~i. Section 110 Unsafe Buildings. Entire section is adopted.~~
- ~~j. Section 111 Stop Work Order. Entire section is adopted.~~

~~(G) Appendix D- Fire Apparatus Access Roads. The entire Appendix is adopted Adopt entire section, with the following amendments~~

- ~~a. D101.1 Scope, is amended to read:
 - ~~i. D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the California Fire Code.~~~~
- ~~b. D102.1 Access and Loading, is amended to read:
 - ~~i. D102.1 Access and Loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to Fire Department apparatus by way of an approved fire apparatus access road with a compacted gravel, asphalt, concrete, or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds (34,050 kg).~~~~

c. ~~D103.1 Access road width with a hydrant, is amended to read:~~

i. ~~D103.1 Access road with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure D103.1~~

d. ~~D103.2 Grade, is amended to read:~~

i. ~~D103.2 Grade. Fire apparatus access roads shall not exceed 16% in grade. Roads less than or equal to 10% grade may be compacted gravel. All roads in excess of 10% grade shall be asphalt, concrete, or other approved driving surfaces.~~

~~**Exception:** Grades steeper than 16% may be approved by the authority having jurisdiction with approved high traction surfaces. Requests for exception must be specifically approved for each application.~~

e. ~~D103.3 Turning Radius, is amended to read:~~

i. ~~D103.3 Turning Radius. The minimum turning radius shall be determined by the Fire authority having jurisdiction.~~

f. ~~D103.4 Dead Ends, is amended to read:~~

i. ~~D103.4 Dead Ends. Dead end fire apparatus roads in excess of 150 feet in length shall be provided with width and turnaround provisions in accordance with table D103.4.~~

g. ~~D103.5 Fire Apparatus Access Road Gates, is amended to read:~~

i. ~~D103.5 Fire Apparatus Access Road Gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:~~

(1) ~~The minimum gate width shall be 20 feet (6096).~~

(2) ~~Gates shall be of a swinging or sliding type.~~

(3) ~~Gates shall be constructed in such a manner to allow manual operation by one person.~~

(4) ~~Gates shall be maintained in operative condition at all times and repaired or replaced when found to be inoperative or damaged.~~

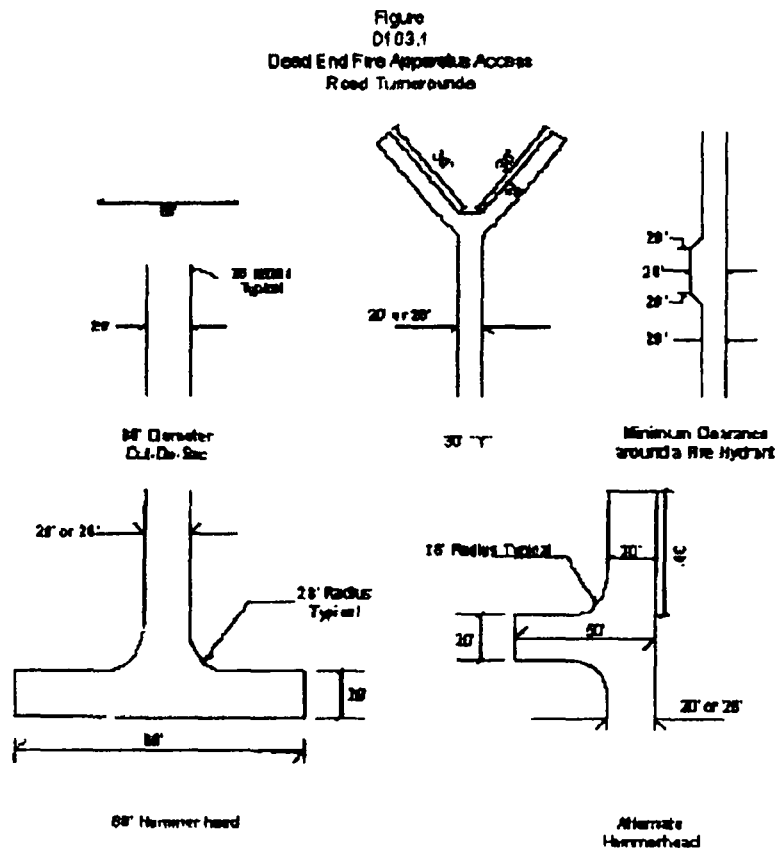
(5) ~~Electric gates shall include a Knox electric key switch control pad coded to the pattern of the agency having jurisdiction to allow Fire Department access.~~

(6) ~~Manual operating gates that are locked shall be locked by a Knox padlock coded to the pattern of the authority having jurisdiction.~~

(7) ~~Locking device layout and operational details shall be submitted to and approved by the fire authority having jurisdiction.~~

h. ~~Figure D103.1 is amended to reflect the minimum turn around specifications allowable, and shall appear as follows:~~

Note: Figure D103.1 is omitted from the 2010 EMC adoption



(Ord. 350-C.S., passed 10-6-81; Am. Ord. 604-C.S., passed 1-16-96; Am. Ord. 666-C.S., passed 3-4-03; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.03 ENFORCEMENT BY BUREAU OF FIRE PREVENTION.

(A) The 2010 ~~2007~~ California Fire Code, Title 24, Part 9, based on the 2009 ~~2006~~ International Fire Code, shall be enforced by the Bureau of Fire Prevention in the Fire Department of the city which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

(B) The Chief (or Fire Marshal) in charge of the Bureau of Fire Prevention shall be appointed by the Chief of the Fire Department on the basis of examination to determine his qualifications.

(C) The Chief of the Fire Department may detail such members of the Fire Department as Inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager of the city the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

('63 Code, §3-3.04) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.04 LIMITS OF DISTRICTS FOR STORAGE OF EXPLOSIVES AND BLASTING AGENTS.

The limits referred to in Section 3301.1 of said 2010 California Fire Code, Title 24, Part 9, as referenced to the California Code of Regulations, Title 19, Division 1, Chapter 10, in which a permit is required for the storage of explosives and blasting agents, such storage is prohibited within the boundaries of the city.

('63 Code, §3-3.07) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.05 LIMITS OF DISTRICTS FOR STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS AND LIQUEFIED PETROLEUM GAS.

The geographic limits referred to in Section ~~3404.2.9.6.1~~ 3404.1 of said ~~2010~~ 2007 California Fire Code, Title 24, Part 9, in which the storage of flammable or combustible liquids in aboveground tanks outside of buildings is prohibited, and approved locations the limits referred to in Section ~~3406.5.1.1~~ 3406.4 of said Code in which construction of new bulk plants for the storage of flammable or combustible liquids is prohibited, and the geographic limits referred to in Section ~~3804.2~~ 3804.1 of said Code, in which the bulk storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas, are hereby established as all zone districts except the "MG" General Industrial

District as said district is defined and established by the zoning regulations of the city set forth in Chapter 155 of this Code.

The geographic limits referred to in Section 3406.2.4.4 of said 2010 California Fire Code, Title 24, Part 9, in which the storage of Class I and II flammable and combustible liquids in aboveground tanks at farms and construction sites are prohibited, are hereby established as the boundaries of the city.

The geographic limits referred to in Section 3506.2 of said 2010 California Fire Code, Title 24, Part 9, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, is hereby established as the boundaries of the city.

('63 Code, §3-3.08) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.06 APPEALS.

Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Appeals of the city created by § 150.024.

('63 Code, §3-3.09) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2010 by the following vote:

AYES:	COUNCILMEMBERS
NOES:	COUNCILMEMBERS
ABSENT:	COUNCILMEMBERS
ABSTAIN:	COUNCILMEMBERS

Lance Madsen, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2010, and hereby approved.

Frank Jager, Mayor

Approved as to Administration:

Approved as to form:

David W. Tyson, City Manager

William Bragg, Interim City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2010.

Pamela J. Powell, City Clerk

RESOLUTION NO. 2010-

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EUREKA SETTING FORTH FINDINGS WITH RESPECT TO LOCAL
CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS WHICH MAKE
CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA FIRE CODE
REASONABLY NECESSARY**

WHEREAS, California Health and Safety Code Sections 18938 mandates that the most recent edition of the Building Standards shall apply to all occupancies throughout the State and shall become effective 180 days after publication in the California Building Standards Code; and

WHEREAS, Health and Safety Code Section 17958.5 permits a local jurisdiction to modifications or changes in the Building Standards Code which are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making the modifications or changes to the Codes, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City is located in a region with a climate system capable of producing uniquely major winds, rain and flood related events and disasters; and

WHEREAS, the City is located in a geologic region where unusually large earthquakes cause extraordinary stresses on buildings and structures and Fire Department resources which require more stringent fire and life safety regulations than would otherwise be required; and

WHEREAS, the City requires the extra margin of safety due to the necessity of providing on site fire and life safety protection in a climatic or seismic emergency;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, in order to provide adequate protection under the unique local geologic and climatic conditions set forth above, the Council City of Eureka makes the following findings and determinations relative to the adoption of more restrictive Building Standards Code provisions than those of 2010 California Fire Code:

RESOLUTION NO. 2010-

Page 2

Section 505.1.1-

Amendment is necessary for local climatic conditions. The amendment requires that for other than one and two family dwellings and individual mobile homes, address numbers shall be a minimum of 6 inches in height. Where buildings are set back from the street, larger numbers may be required. Existing legible identification is excepted. The City of Eureka experiences measurable precipitation an average of 222 day per year, cloudy or foggy skies an average of 224 days per year and annual winter storms. These climatic conditions act to obscure address numbers and deteriorate existing numbers posted on buildings, making them less visible to emergency responders.

Section 505.1.2 –

Amendment is necessary for local climatic conditions. The amendment requires that in multi-tenant buildings individual tenant spaces shall be identified with characters a minimum of 2 inches in height located on the entry door or on the wall at the strike-side of the entry door. Existing legible identification is excepted. The City of Eureka experiences measurable precipitation an average of 222 day per year, cloudy or foggy skies an average of 224 days per year and annual winter storms. These climatic conditions act to obscure tenant space numbers and deteriorate existing numbers on tenant spaces posted on buildings, making them less visible to emergency responders.

Section 506.1.2 –

Amendment is necessary for local geologic and climatic conditions. The amendment requires that approved key boxes shall be installed in new buildings equipped with fire alarm systems, fire sprinkler systems, elevators, and/or as required by 506.1 and that key boxes shall be installed in existing buildings where new fire alarm systems, fire sprinkler systems, and/or elevators are installed, or as required by 506.1. The City of Eureka is located in a highly seismically active area, directly adjacent to the Cascadia Subduction Zone and the Triple Junction of the American, Pacific and the Gorda tectonic plates. Since 1906 there have been approximately 40 earthquakes of a magnitude greater than 6.0 including a 6.5 magnitude earthquake on January 9th, 2010 resulting in approximately \$43 in damages and loss of power to 28,000 local residents. The City of Eureka also experiences measurable precipitation an average of 222 day per year, cloudy or foggy skies an average of 224 days per year and annual winter storms. These geological and climatic conditions can result in the failure and accidental activation of fire alarm systems, fire sprinkler systems, and elevators, requiring access to buildings so equipped to determine if an emergency condition exists, limit property loss, and rescue trapped persons

Section 506.1.3 –

Amendment is necessary for local geologic and climatic conditions. The amendment requires motorized gates providing access to facilities or property shall be provided with an approved gate key switch or other approved means of emergency operation. The switch shall be installed so it will open the gate and the gate will remain in the open position until re-set by the fire department. The City of Eureka is located in a highly seismically active area, directly adjacent to the Cascadia Subduction Zone and the Triple Junction of the American, Pacific and the Gorda tectonic plates. Since 1906 there have been approximately 40 earthquakes of a magnitude greater than 6.0 including a 6.5 magnitude earthquake on January 9th, 2010 resulting in approximately \$43 in damages and loss of power to 28,000 local residents. The City of Eureka also experiences measurable precipitation an average of 222 day per year, cloudy or foggy skies an average of 224 days per year and annual winter storms. These geological and climatic conditions can result in medical emergencies, fires, structural collapses and other emergencies on properties secured by motorized gates requiring access to properties so equipped for emergency response.

Section 903.4.4 –

Amendment is necessary for local geologic conditions. The amendment requires that in addition to the requirements of 903.4, valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems shall be locked in the correct position. The City of Eureka is located in a highly seismically active area, directly adjacent to the Cascadia Subduction Zone and the Triple Junction of the American, Pacific and the Gorda tectonic plates. Since 1906 there have been approximately 40 earthquakes of a magnitude greater than 6.0 including a 6.5 magnitude earthquake on January 9th, 2010 resulting in approximately \$43 in damages and loss of power to 28,000 local residents. These geological and climatic conditions can result the failure of domestic water or utility service lines and the accidental or intentional operation of a fire protection system control valves.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the _____ day of _____, 2010 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

Frank Jager, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

David W. Tyson, City Manager

William Bragg, Interim City Attorney

AGENDA SUMMARY**RE:** Adoption of the 2010 California Building Standards Code**FOR AGENDA DATE:** January 4, 2011
AGENDA ITEM NO.: //**RECOMMENDATION:**

1. Waive reading, read by title only, and adopt Bill No. 832-C.S., an ordinance amending Title XV, Chapter 150, Building Regulations, repealing Sections 150.015 through 150.025 and replacing with new sections 150.015 through 150.029, adopting by reference the 2010 editions of the California Building Standards Code and related model codes with appendices and amendments.

SUMMARY:

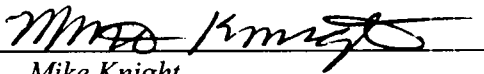

On December 21, 2010, the City Council introduced Bill No. 832-C.S., an ordinance amending Title XV, Chapter 150, Building Regulations, adopting by reference the 2010 editions of the California Building Standards Code. In addition, the proposed ordinance replaces Eureka Municipal Code (EMC) Sections 150.015 through 150.029. Bill No. 832-C.S. is before the City Council tonight for adoption.

The California Building Standards Commission (BSC) updates and amends the California Building Standards Code every three years. California Health and Safety Code Section 18938 mandates that the most recent edition of this code shall apply to all occupancies throughout the State and shall become effective 180 days after publication in the California Building Standards Code. For this code cycle, the effective date will be January 1, 2011.

Prepared by:


 Brian Gerving, Chief Building Official

Continued page 2

FISCAL IMPACT: None.**DEPARTMENT HEAD SIGNATURE:**

 Mike Knight
 Assistant City Manager
CITY MANAGER SIGNATURE:

 David W. Tyson
 City Manager
REVIEWED BY:
 City Attorney
 Finance
 Fire
DATE:
12/21/2010
12/21/2010
12/29/2010
INITIALS:
WRB
PLG
EG
Council Action:

Ordinance No. _____

Resolution No. _____

SUMMARY (continued):

If approved, Bill No. 832-C.S. adopts the 2010 California Building Standards Code by reference to include:

- 2010 California Building Code (Title 24, Part 2) based on the 2009 International Building Code;
- 2010 California Residential Code (Title 24, Part 2.5) based on the 2009 International Residential Code;
- 2010 California Electrical Code (Title 24, Part 3) based on the 2008 National Electrical Code;
- 2010 California Mechanical Code (Title 24, Part 4) based on the 2009 Uniform Mechanical Code;
- 2010 California Plumbing Code (Title 24, Part 5) based on the 2009 Uniform Plumbing Code;
- 2010 California Energy Code (Title 24, Part 6);
- 2010 California Historical Building Code (Title 24, Part 8);
- 2010 California Fire Code (Title 24, Part 9) based on the 2009 International Fire Code;
- 2010 California Existing Building Code (Title 24, Part 10) based on the 2009 International Existing Building Code;
- 2010 California Green Building Standards Code (Title 24, Part 11);

The 2010 California Building Standards Code incorporates the above referenced model codes, which have been amended by the BSC to increase the safety of the public and to reduce the potential for property damage from fire, earthquakes and other natural or manmade disasters. It has been widely demonstrated where the latest construction codes were adopted and properly enforced, losses were dramatically reduced.

Building fees do not increase by adopting the 2010 California Building Standards Code. Bill No. 832-C.S. provides that building fees will continue to be adopted by resolution. Building fees are contained in the "Schedule of Fees and Service Charges" and considered annually by the City Council.

In addition to adopting the 2010 California Building Standards Code, Bill No. 832-C.S. repeals Sections 150.015 through 150.025 in their entirety and replaces them with new Sections 150.015 through 150.029. Bill No. 832-C.S. renumbers the pertinent sections of the Eureka Municipal Code (EMC) to better align them with the adopted codes.

Of the codes included in this adoption cycle, one is entirely new to the state of California and one is significantly revised. The 2010 California Residential Code (CRC) is based on the International Residential Code, which has been used by nearly every state in the country for as many as ten years. The CRC provides a standalone reference for those working solely with

residential structures. The 2010 California Green Building Standards Code (CALGreen) is intended to lessen the environmental impact of the construction of buildings. CALGreen will be applicable only to new construction, not alterations or additions.

Local governments may amend the building standards contained in California Code of Regulations (CCR), Title 24 for all occupancies, and the regulations of the Department of Housing and Community Development applicable to residential structures. The provisions of law that permit these local government amendments contain subtle differences. Building Standards Law requires the following:

- The governing body of the local government must make express findings that amendments to the building standard contained in CCR, T-24 are necessary because of local climatic, geological or topographical conditions.
- The local government amendments must provide a more restrictive building standard than that contained in CCR, T-24.
- The amendments are neither effective nor operative until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission.

Bill No. 832-C.S. contains two amendments to the California Building Code (CBC). The proposed amendments are found in proposed new EMC Section 150.016. The first amends CBC Chapter 5 by adding new Sections 501.2 and 501.3. These sections change the minimum address number size on buildings from four inches to six inches and add a requirement for individual address numbers on multi-tenant buildings. These changes were made to bring the CBC in line with the California Fire Code, which is being amended in a similar manner by the Fire Department.

The second change to the CBC amends Chapter 18 by adding new Section 1801.1.1 regulating minimum floor elevation and site grading requirements in the City of Eureka. This section sets the minimum floor elevation for new structures at twelve and one-half feet (12.50') and includes several exceptions. The requirement has been in the Eureka Municipal Code to accommodate for historic high tides in combination with significant rain events.

Bill No. 832-C.S. also contains two amendments to the California Residential Code (CRC). The first amends Chapter 4 by removing an exception which allows plain concrete footings. Historically, minimum reinforcement (rebar) has been required in concrete footings. This rebar helps prevent cracking and settlement associated with soft soils and seismic activity. By removing the exception found in the CRC, the amendment will continue what has been a standard construction practice for many years. The second amendment changes Chapter 4 by adding new Section R403.3.1. This section replicates the minimum floor elevation requirement

RE: Adoption of the 2010 California Building Standards Code	FOR AGENDA DATE: JANUARY 4, 2011 AGENDA ITEM NO.: <i>Page 4</i>
--	---

added to the building code.

The Board of Appeals reviewed Bill No. 832-C.S. and the codes considered for adoption at a special meeting on December 3, 2010. After deliberation, the Board voted unanimously to recommend that the City Council introduce and adopt Bill No. 832-C.S.

ATTACHMENTS:

Bill No. 832-C.S.

BILL NO. 832 - C.S.
ORD. NO. ____ - C.S.

AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA MUNICIPAL CODE TITLE 15, CHAPTER 150, REPEALING SECTIONS 150.015 THROUGH 150.025 AND REPLACING WITH NEW SECTIONS 150.015 THROUGH 150.029 ADOPTING BY REFERENCE THE 2010 EDITIONS OF THE CALIFORNIA BUILDING STANDARD CODE AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS ALL RELATING TO BUILDING REGULATIONS.

Be it ordained by the City Council of the City of Eureka as follows:

Section 150.015 through Section 150.025 are repealed in their entirety and replaced with new Sections 150.015 through 150.029 of the Eureka Municipal Code to read as follows:

§ 150.015 CONSTRUCTION CODES ADOPTED.

An ordinance of the City adopting by reference the 2010 editions of the California Building Standards Code and related model codes with appendices as specified, providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all buildings, and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs and solar energy systems in the city; providing for the issuance of permits and collection of fees therefor, providing penalties for the violation thereof, as amended, deleted and/or added to by the provisions of this chapter.

('63 Code, §9-1.101) (Ord. 347-C.S., passed 11-5-81; Am. Ord. 411-C.S., passed 8-21-84; Am. Ord. 479-C.S., passed 11-3-88; Am. Ord. 511-C.S., passed 5-3-90; Am. Ord. 549-C.S., passed 9-3-92; Am. Ord. 560-C.S., passed 10-7-93; Am. Ord. 603-C.S., passed 1-16-96; Am. Ord. 605-C.S., passed 3-5-96; Am. Ord. 617-C.S., passed 6-3-97; Am. Ord. 630-C.S., passed 6-15-99; Am. Ord. 640-C.S., passed 3-6-01; Am. Ord. 662-C.S., passed 10-15-02; Am. Ord. 685-C.S., passed 2-2-05; Am. Ord. 699-C.S., passed 8-16-05; Am. Ord. 719-C.S., passed 1-15-08)

§ 150.016 CALIFORNIA BUILDING CODE ADOPTED.

(A) Except as provided in this chapter, those certain building codes known and designated as the California Building Code, 2010 Edition, (Part 2 of Title 24) Volumes 1 and 2, including Chapter 1 Division II Administration (except those sections noted below), Appendix I Patio Covers and Appendix J Grading, based on the 2009

International Building Code as published by the International Code Council, shall become the building codes of the City of Eureka for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the city, except those classified one and two family dwellings or townhouses and structures accessory thereto. Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, and 101.4.5 are not adopted. The California Building Code and its appendices shall be on file for public examination in the office of the Building Official.

(B) *Amendments to the California Building Code.* The California Building Code is hereby amended as follows:

Section 501.2 is hereby amended to read as follows:

§ 501.2 Address identification. For other than one and two family dwellings, new and existing buildings shall be provided with approved address numbers or letters. Each character shall be a minimum 6 inches (152.4 mm) high and a minimum of 0.5 inches (12.7 mm) wide. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure.

Exception: Existing legible identification.

Section 501.3 is hereby added to read as follows:

§ 501.3 Address identification for multi-tenant buildings. In multi-tenant buildings, individual tenant spaces shall be identified with characters a minimum of 2 inches in height located on the entry door or on the wall at the strike side of the entry door.

Exception: Existing legible identification.

Section 1808.1.1 is hereby added to Chapter 18 to read as follows:

§ 1808.1.1 Minimum floor elevation and site grading requirements. The ground floor level of all buildings, building enlargements, or extensions of structures shall be at a minimum elevation of twelve and one-half feet (12.50') based on City of Eureka Datum. In addition, the site shall be graded to drain to the adjacent design finish grade of streets or alleyways.

EXCEPTIONS:

1. The provisions of this section shall not apply to general areas protected by dikes, if approved by the Building Official and the Director of Public Works or to areas where the existing ground elevation exceeds twelve and one-half feet (12.50') based upon city datum. This section shall not be construed to be applicable to dikes for individual properties.

2. In areas where a setback from property lines is not required and is not proposed, the ground floor level of all buildings, building enlargements or extensions of structures may be reduced upon documentation that flooding to the building and adjacent property as a result of the development will not occur as prepared by a Registered Civil Engineer and approved by the Building Official and Director of Public Works. In no event, however, will the ground floor level be less than an elevation of eleven feet (11.00') based upon city datum.

3. Exceptions may be granted upon documentation of adequate measures to preclude flooding to the subject property and adjacent properties. Documentation shall be provided by a Registered Civil Engineer and approved by the Building Official and Director of Public Works.

(Ord. 719-C.S., passed 1-15-08)

§ 150.017 CALIFORNIA RESIDENTIAL CODE ADOPTED.

(A) Except as provided in this chapter, those certain building codes known and designated as the California Residential Code, 2010 Edition, (Part 2.5 of Title 24), including Appendix H Patio Covers, based on the 2009 International Residential Code as published by the International Code Council, shall become the building codes of the City of Eureka for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all one and two family dwellings or townhouses and structures accessory thereto in the city. The California Residential Code and its appendices shall be on file for public examination in the office of the Building Official.

(B) *Amendments to the California Residential Code.* The California Residential Code is hereby amended as follows:

The exception to Section R403.1.3 allowing plain concrete footings for detached one- and two- family dwellings which are three stories or less in height is removed.

Subsection R403.3.1 is hereby added to Chapter 4 to read as follows:

§ R403.3.1 Minimum Floor Elevation and Site Grading Requirements. The ground floor level of all buildings, building enlargements, or extensions of structures shall be at a minimum elevation of twelve and one-half feet (12.50') based on City of Eureka Datum. In addition, the site shall be graded to drain to the adjacent design finish grade of streets or alleyways.

EXCEPTIONS:

1. The provisions of this section shall not apply to general areas protected by dikes, if approved by the Building Official and the Director of Public Works or to areas where

the existing ground elevation exceeds twelve and one-half feet (12.50') based upon city datum. This section shall not be construed to be applicable to dikes for individual properties.

2. In areas where a setback from property lines is not required and is not proposed, the ground floor level of all buildings, building enlargements or extensions of structures may be reduced upon documentation that flooding to the building and adjacent property as a result of the development will not occur as prepared by a Registered Civil Engineer and approved by the Building Official and Director of Public Works. In no event, however, will the ground floor level be less than an elevation of eleven feet (11.00') based upon city datum.

3. Exceptions may be granted upon documentation of adequate measures to preclude flooding to the subject property and adjacent properties. Documentation shall be provided by a Registered Civil Engineer and approved by the Building Official and Director of Public Works.

§ 150.018 CALIFORNIA ELECTRICAL CODE ADOPTED.

Except as provided in this chapter, the California Electrical Code, 2010 Edition, (Part 3 of Title 24) based on the 2008 National Electrical Code as published by the National Fire Protection Association (NFPA), shall be and become the Electrical Code of the City of Eureka, regulating all installation, arrangement, alteration, repair, use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the city. The California Electrical Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.019 CALIFORNIA MECHANICAL CODE ADOPTED.

Except as provided in this chapter, the California Mechanical Code, 2010 Edition, (Part 4 Title 24) based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City of Eureka, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. The California Mechanical Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.020 CALIFORNIA PLUMBING CODE ADOPTED.

Except as provided in this chapter, the California Plumbing Code, 2010 Edition, (Part 5 of Title 24) based on the 2009 Uniform Plumbing Code as published by IAPMO, shall

be and become the Plumbing Code of the City of Eureka, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the city. The California Plumbing Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.021 CALIFORNIA ENERGY CODE ADOPTED.

Except as provided in this chapter, the California Energy Code, (Part 6 of Title 24) 2010 Edition, is hereby adopted to provide regulations for energy efficiency in all structures within the City of Eureka, including additions and alterations thereto. The California Energy Code shall be on file for public examination in the office of the Building Official.

§ 150.022 RESERVED

§ 150.023 CALIFORNIA HISTORICAL BUILDING CODE ADOPTED.

Except as provided in this chapter, the California Historical Building Code, (Part 8 of Title 24) 2010 Edition, contained in California Building Code Volume 2, is hereby adopted to provide regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings for properties within the City of Eureka. The California Historical Building Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.024 CALIFORNIA FIRE CODE ADOPTED.

(A) Except as provided in this chapter, the California Fire Code, 2010 Edition, (Part 9 of Title 24) based on the 2009 International Fire Code as published by the International Code Council, shall be and become the Fire Code of the City of Eureka, to establish the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in the new and existing buildings, structures, and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations. The California Fire Code shall be on file for public examination in the office of the Fire Marshal.

(B) *Amendments to the California Fire Code.* Amendments to the 2010 California Fire Code are found and listed in § 92.02.

(Ord. 719-C.S., passed 1-15-08)

§ 150.025 CALIFORNIA EXISTING BUILDING CODE ADOPTED.

Except as provided in this chapter, the 2010 California Existing Building Code Appendix A-1 (Part 10 of Title 24) based on the 2009 International Existing Building Code as published by the International Code Council, shall become the Existing Building Code of the City of Eureka for regulating existing unreinforced masonry (URM) buildings in the city. The California Existing Building Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.026 CALIFORNIA GREEN BUILDING STANDARDS CODE ADOPTED.

Except as provided in this chapter, the California Green Building Standards Code (CALGreen), (Part 11 of Title 24) 2010 Edition, is hereby adopted to provide regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings in the City of Eureka. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

§ 150.027 UNIFORM HOUSING CODE ADOPTED.

The Uniform Housing Code of the International Conference of Building Officials, 1997 edition, is hereby adopted by reference, with the exception of any provisions of that Code that conflict with or are less stringent than any section or sections of the Eureka Municipal Code.

(Ord. 736-C.S., passed 2-3-09)

§ 150.028 PERMIT FEES.

Permit fees are adopted by resolution.

(Ord. 719-C.S., passed 1-15-08)

§ 150.029 BOARD OF APPEALS.

(A) In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of the California Building Codes and the California Fire Code, there shall be and is hereby created a Board of Appeals, consisting of seven members, five of whom shall be qualified by experience and training in matters pertaining to building construction and two of whom may, but need not be qualified by experience and training in matters pertaining to building construction. The members of the Board of Appeals shall be appointed by the Mayor with the approval of the Council. The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and

findings in writing to the appellant, with a duplicate copy to the Building Official, and may recommend to the Council such new legislation as is consistent therewith. The Building Official or his or her designee shall be the Executive Secretary of the Board of Appeals, except when matters pertaining to an appeal from the provisions of the California Fire Code are being considered, the Fire Chief of the City of Eureka or his or her designee shall serve as the Executive Secretary of the Board.

(B) The Board of Appeals shall review annually the various construction codes listed in this chapter and the California Fire Code listed in Chapter 92 of the Eureka Municipal Code together with the later editions and revisions of these codes as they become available and shall recommend to the City Council the adoption of such editions or amendments as the Board deems necessary.

(C) *Limitations of authority.* The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of this Code.

(Ord. 719-C.S., passed 1-15-08)

AGENDA SUMMARY**RE: State Video Service Franchises Ordinance
(aka "DIVCA Ordinance")****FOR AGENDA DATE: Jan. 4, 2011****AGENDA ITEM NO.:***12***RECOMMENDATION:**

Waive reading, read by title only, and adopt Bill No.831-CS adding Sections 114.57-114.64 (STATE VIDEO SERVICE FRANCHISES) to Chapter 114 of Title XI of the Eureka Municipal Code, which implements the provisions of the Digital Infrastructure and Video Competition Act of 2006, codified in the California Public Utilities Code Section 5800 ET SEQ., which the City is required to administer and enforce throughout the City.

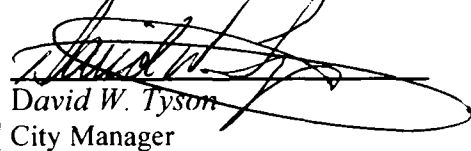
SUMMARY:

In 2004, the City Council adopted an Enabling Ordinance for cable television franchises. This ordinance was the result of recommendations made by the Buske Group consultancy pursuant to a 2002 engagement in which the County of Humboldt cooperated with the cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna and Rio Dell as part of the franchise renewal process for the incumbent cable provider. Pursuant to that ordinance, on March 21, 2006, the Board of Supervisors and City Councils approved a cable franchise renewal and transfer to the current provider, now known as Suddenlink Communications.

Despite opposition by local governments, on September 29, 2006, the State Legislature passed, and Governor Schwarzenegger signed into law, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). DIVCA largely replaces the local issuance of cable television franchises with a system in which video franchises are issued by the California Public Utilities Commission.

*Continued page 2***FISCAL IMPACT:**

No Fiscal Impact with the Recommended Action.

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:**DATE:****INITIALS:**

City Attorney

*12-22-10**DT***Council Action:**

Ordinance No. _____

Resolution No. _____

**RE: State Video Service Franchises Ordinance
(aka "DIVCA Ordinance")**

**FOR AGENDA DATE: JAN. 4, 2011
AGENDA ITEM NO.:**
Page 2

SUMMARY *(continued)*

DIVCA did not abolish existing cable television franchises entered into prior to its adoption, and important public protections and benefits are "grandfathered" under DIVCA. Current County and City franchises are in effect to 2014 for Suddenlink, at which time a State Video Service Franchise is anticipated. Notably, DIVCA does provide circumstances under which a cable television provider may withdraw from a local franchise before the term ends and enter into a State franchise sooner.

In order to protect the interests of the Cities and the County of Humboldt when local cable franchises are eventually superseded by State Video Service Franchises, the Buske Group has prepared language for a new, DIVCA-compliant ordinance. Last Fall, Access Humboldt convened a workshop in Eureka for local cable franchise authorities to discuss public policy considerations of DIVCA implementation.

The attached "State Video Service Franchises" Ordinance will supplement, not replace, the existing City ordinances adopted in 2004, with provisions that address: franchise fees; customer service; permits and construction; emergency alert system; and public, educational and government access channel capacity, support, interconnection, and signal carriage.

Staff recommends the City Council introduce the attached "State Video Service Franchises" ordinance.

Attachments:

State Video Service Franchises Ordinance
Implementing DIVCA, the Digital and Video Competition Act of 2006

BILL NO. 831-CS

ORDINANCE NO. _____

AN ORDINANCE ADDING SECTIONS 114.57-114.64 (STATE VIDEO SERVICE FRANCHISES) TO CHAPTER 114 OF TITLE XI OF THE EUREKA MUNICIPAL CODE, WHICH IMPLEMENTS THE PROVISIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, CODIFIED IN CALIFORNIA PUBLIC UTILITIES CODE SECTION 5800 ET SEQ., WHICH THE CITY IS REQUIRED TO ADMINISTER AND ENFORCE THROUGHOUT THE CITY.

The City Council of the City of Eureka does ordain as follows:

Section 1. The City Council of the City of Eureka does hereby add the following Sections to Chapter 114 of Title XI of the Eureka Municipal Code.

STATE VIDEO SERVICE FRANCHISES

SECTIONS:

- | | |
|---------------|---|
| 114.57 | GENERAL PROVISIONS |
| 114.58 | DEFINITIONS |
| 114.59 | FRANCHISE FEES |
| 114.60 | CUSTOMER SERVICE |
| 114.61 | PERMITS AND CONSTRUCTION |
| 114.62 | EMERGENCY ALERT SYSTEM |
| 114.63 | PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CHANNEL CAPACITY, SUPPORT, INTERCONNECTION, AND SIGNAL CARRIAGE |
| 114.64 | NOTICES |

114.57 GENERAL PROVISIONS

(A). Purpose. This Section is applicable to video service providers who have been awarded a state video franchise under the California Public Utilities Code section 5800 *et seq.* (the Digital Infrastructure and Video Competition Act of 2006 ["DIVCA"]), to provide cable or video services in any location(s) within the incorporated boundaries of the City. It is the purpose of this Section to implement within the incorporated boundaries of the City the provisions of DIVCA and the rules of the California Public Utilities Commission promulgated there under that are applicable to a "local franchising entity" or a "local entity" as defined in DIVCA.

(B). Rights Reserved.

(1). The rights reserved to the City under this Section 114.57 are in addition to all other rights of the City, whether reserved by this Chapter 114 or authorized by law, and no action, proceeding or exercise of a right shall affect any other rights which may be held by the City.

(2). Except as otherwise provided by DIVCA, a state franchise shall not include, or be a substitute for:

(a). compliance with applicable requirements for the privilege of transacting and carrying on a business within the City, including, but not limited to, compliance with the conditions that the City may establish before facilities may be constructed for, or providing, non-video services;

(b). any permit or authorization required in connection with operations on or in public rights-of-way or public property, including, but not limited to, encroachment permits, street work permits, pole attachment permits and street cut permits; and

(c). any permit, agreement or authorization for occupying any other property of the City or any private person to which access is not specifically granted by the state franchise.

(3). No permit issued by the City to a state franchise holder is itself a franchise, nor shall any permit create a vested right that would prohibit the City from revoking or amending the permit.

(C). Compliance with City Ordinances. Nothing contained in Sections 114.57-114.64 shall be construed so as to exempt a state franchise holder from compliance with all ordinances, rules or regulations of the City now in effect or which may be hereafter adopted which are consistent with these Sections 114.57-114.64 or California Public Utilities Code section 5800 *et seq.*, or any obligations under any franchise issued by the City insofar as those obligations may be enforced under California Public Utilities Code section 5800 *et seq.*

(D). Compliance with DIVCA. When a video service provider holding a state franchise provides notice to the City pursuant to 5840(m) of DIVCA that it is commencing to provide video service to the City, a holder of a local franchise is entitled to seek a state franchise pursuant to 5930 (c) and the upon issuance of a state franchise by the California Public Utilities Commission for the franchise area the local franchise shall terminate.

114.58 DEFINITIONS

(A). Definitions Generally -- Interpretation of Language. For purposes of Sections 114.57-114.64 the following terms, phrases, words, and their derivations shall have the meaning given in this Section. Words not defined in this Section shall have the same meaning as established in: (1) DIVCA, and if not defined therein, (2) California Public Utilities Commission rules implementing DIVCA, and if not defined therein, (3) Title VI of Title 47 of the Communications Act of 1934, as amended, 47USC § 521 et. seq., and if not defined therein (4) their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and "including" and "include" are not limiting. The words "shall" and "will" are always mandatory, but the use of those terms grants no private rights to any person with respect to the City. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

(1.) "Gross revenues" means all revenues actually received by the holder of a state franchise or its affiliates that are derived from the operation of the holder's network to provide cable service or video service within the incorporated areas of the City.

(2.) "PEG access," or "PEG" means the availability of a cable or state franchise holder's system for public, educational, or governmental use by various agencies, institutions, organizations, groups, and individuals, including organizations, groups, or individual members of the general public, educational institutions, and the City and its designated access providers, to acquire, create, and distribute programming not under a state franchise holder's editorial control.

(3.). "State franchise holder" means a cable operator or video service provider that has been issued a franchise by the California Public Utilities Commission to provide cable service or video service, as those terms are defined in California Public Utilities Code section 5830, within any portion of the incorporated limits of the City.

114.59 FRANCHISE FEES

(A). State Franchise Fees. Any state franchise holder operating within the incorporated areas of the City shall pay to the City a state franchise fee equal to five percent (5%) of gross revenues that may be subject to a franchise fee under California Public Utilities Code section 5860.

(B). Payment of Franchise Fees. The state franchise fee required pursuant to this Section 114.59 shall be paid quarterly, in a manner consistent with California Public Utilities Code section 5860. The state franchise holder shall deliver to the City, by check or other means, which shall be agreed to by the City, a separate payment for the state franchise fee not later than forty-five (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a report, detailing how the payment was calculated, and shall include such additional information on the appropriate form as designated by the City.

(C). Examination of Business Records. The City may examine the business records of the holder of a state franchise in a manner consistent with California Public Utilities Code section 5860(i).

(D). Late Payments. In the event a state franchise holder fails to make payments required by this Section 114.59 on or before the due dates specified herein, the City shall impose a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).

114.60 CUSTOMER SERVICE

(A). Customer Service Standards. A state franchise holder shall comply with Sections 53055, 53055.1, 53055.2 and 53088.2 of the California Government Code; the FCC customer service and notice standards set forth in Sections 76.309, 76.1602, 76.1603, and 76.1619 of Title 47 of the Code of Federal Regulations; Section 637.5 of the California Penal Code; the privacy standards of Section 551 of Title 47 of the United States Code; and, to the extent consistent with DIVCA, all other applicable state and federal customer service and consumer protection standards pertaining to the provision of video service, include any such standards hereafter adopted. In case of a conflict, the stricter standard shall apply. All customer service and consumer protection standards under this paragraph shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.

(B). Penalties for Violations of Standards. The City shall enforce the compliance of state franchise holders with respect to the state and federal customer service and consumer protection standards set forth in this Section 114.60. The City will provide a state franchise holder with a written notice of any alleged material breaches, as defined in California Public Utilities Code section 5900, of applicable customer service or consumer protection standards, and will allow the state franchise holder 30 days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied by a state franchise holder within the 30-day time period, irrespective of the number of customers affected, will be subject to the following penalties to be imposed by the City:

(1.). For the first occurrence of a material breach, a fine of \$500 may be imposed for each day the violation remains in effect, not to exceed \$1,500 for each violation.

(2.). For a second material breach of the same nature within 12 months, a fine of \$1,000 may be imposed for each day the violation remains in effect, not to exceed \$3,000 for each violation.

(3.). For a third material breach of the same nature within 12 months, a fine of \$2,500 may be imposed for each day the violation remains in effect, not to exceed \$7,500 for each violation.

(C). Any penalties imposed by the City shall be imposed in a manner consistent with California Public Utilities Code section 5900.

114.61 PERMITS AND CONSTRUCTION

(A). Except as expressly provided in this Section 114.61, all provisions of Title IX Chapter 98 (Streets and Sidewalks) of the Eureka Municipal Code, and all City administrative rules and regulations developed to any of these provisions, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a state franchise holder on any City public rights-of-way, public property, or City easement.

(B). Permits. Prior to commencing any work for which a permit is required by Title IX Chapter 98, a state franchise holder shall apply for and obtain a permit in accordance with the provisions of Chapter 20 and shall comply with all other applicable laws and regulations, including but not limited to all applicable requirements of Division 13 of the California Public Resources Code, section 21000, *et seq.* (the California Environmental Quality Act).

(C). The City Manager shall either approve or deny state franchise holder's application for any permit required under Title IX Chapter 98 within sixty (60) days of receiving a completed permit application from the state franchise holder.

(D). If the City Manager denies a state franchise holder's application for a permit, the City Manager shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

(E). A state franchise holder that has been denied a permit by final decision of the City Manager may appeal the denial to the City Council. Upon receiving a notice of appeal, the City Council shall take one of the following actions:

- (1.) Affirm the action of the City Manager without any further hearing; or
- (2.) Refer the matter back to the City Manager for further review with or without instructions; or

(D). In rendering its decision on the appeal, the City Council shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the City Manager unless the City Council is itself conducting a public hearing on the matter.

(F). The issuance of a permit is not a franchise, and does not grant any vested rights in any location in the public rights-of-way, or in any particular manner of placement within the rights-of-way. Without limitation, a permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee required to place facilities underground, in accordance with applicable law.

114.62 EMERGENCY ALERT SYSTEM

Each state franchise holder shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over the state franchise holder's network. As such capability was required under local franchises in effect in the City on January 1 to December 30, 2006 and as consistent with Public Utilities Code Section 5880, each state franchise holder shall install and maintain equipment to allow the Humboldt County Emergency Management Office to air audio and video messages on the video system to alert Subscribers to emergency situations. This capability shall be remotely activated without the assistance of

the state franchise holder and shall allow a representative of the City to override the audio and video on all channels, except those where Grantee has, consistent with FCC regulations, agreed with the broadcaster, not to override the channel for EAS messages.

114.63 PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CHANNEL CAPACITY, SUPPORT, INTERCONNECTION, AND SIGNAL CARRIAGE

(A). PEG Channel Capacity.

(1.). A state franchise holder shall designate a sufficient amount of capacity on its network to allow the provision of four (4) PEG channels to satisfy the requirement of section 5870 of the California Public Utilities Code, within the time limits specified therein.

(2.). A state franchise holder shall provide an additional PEG channel when the City satisfies the standards set forth in Section 5870(d) of the California Public Utilities Code or any entity designated by the City to manage one or more of the PEG channels.

(B.) PEG Support.

(1). Amount of PEG Support Fee. Any state franchise holder shall pay to the City -- or if directed by the City, to the City's designated PEG provider -- a PEG fee equal to three (3%) percent of gross revenues, an amount equivalent to the level of PEG funding remitted by the incumbent cable operator to the City's designated PEG provider during the period of January 1, 2006 to December 30, 2006.

(2). The PEG support fee shall be used for PEG activities, in a manner that is consistent with the terms of the incumbent cable operator's franchise during the period of January 1, 2006 to December 30, 2006 and settlements.

(3). A state franchise holder shall remit the PEG support fee quarterly, within forty-five days after the end of each calendar quarter. Each payment made shall be accompanied by a summary, detailing how the PEG support fee was calculated.

(4). In the event that a state franchise holder fails to pay the PEG support fee when due, or underpays the proper amount due, the state franchise holder shall pay interest at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%), or the maximum rate specified by state law.

(C). PEG Carriage and Interconnection.

(1). As set forth in Sections 5870(b) and 5870(g)(3) of the California Public Utilities Code, state franchise holders shall ensure that all PEG channels are receivable by all subscribers, whether they receive digital or analog service, or a combination thereof, without the need for any equipment other than that needed to receive the lowest cost tier of service. PEG access capacity provided by a state franchise holder shall be of similar quality and functionality to that offered by commercial channels (unless the PEG signal is provided to the state franchise holder at a lower quality or with less functionality), shall be capable of carrying a National Television System Committee (NTSC) television signal, and shall be carried on the state franchise holder's lowest cost tier of service. To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the lowest

cost tier of service and the channel numbers for the PEG channels shall be the same channel numbers used by any incumbent cable operator, unless prohibited by federal law. After the initial designation of the PEG channel numbers, the channel numbers shall not be changed without the agreement of the City unless federal law requires the change.

(2). Where technically feasible, each state franchise holder and each incumbent cable operator shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Public Utilities Code section 5870(h). Each state franchise holder and incumbent cable operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a state franchise holder and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement for PEG carriage, the City may require the incumbent cable operator to allow each state franchise holder to interconnect its network with the incumbent cable operator's network at a technically feasible point on the state franchise holder's network as identified by the state franchise holder. If no technically feasible point of interconnection is available, each state franchise holder shall make interconnection available to each PEG channel originator programming a channel in the City and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by each state franchise holder requesting the interconnection unless otherwise agreed to by the parties.

114.64 NOTICES

(A). Each state franchise holder or applicant for a state franchise shall file with the City a copy of all applications or notices that the state franchise holder or applicant are required to file with the California Public Utilities Commission.

(B). Unless otherwise specified in this Section, all notices or other documentation that a state franchise holder is required to provide to the City under this Section or the California Public Utilities Code shall be provided to both the City Manager and the City staff person in charge of cable and telecommunications, or their successors or designees.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior city ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. This Ordinance shall go into effect and be in full force and operation thirty

(30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Passed, approved, and adopted by the Council of the City of Eureka, County of Humboldt, State of California, on the ____ day of _____, 2011, by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

MAYOR OF THE CITY OF EUREKA

The above ordinance was submitted to me on the ____ day of _____, 2010, and I hereby approve the same.

Frank Jager, Mayor

ATTEST:

Pamela Powell, City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

David W. Tyson, City Manager

Bill Bragg, City Attorney

“State Video Service Franchises” Ordinance
Implementing DIVCA, the Digital and Video Competition Act of 2006

OUTLINE for County of Humboldt and Cities, California

A “State Video Service Franchises” ordinance is proposed for County of Humboldt and Cities of Eureka, Arcata, Fortuna, Rio Dell, Ferndale, Blue Lake and Trinidad. Adoption is recommended.

Background:

To utilize public rights of way, cable operators have been required to hold a local franchise and to compensate local jurisdictions in the form of franchise fees and public interest obligations - customer service and community media access requirements. **DIVCA substantially shifts franchise authority to the State.**

County of Humboldt and Cities (except for Trinidad) have identical local cable franchises and share similar cable TV franchise ordinances securing important public benefits that include: franchise fees; customer service obligations; local permits and construction codes; emergency alert system requirements; and, support for public education and government media access.

The Digital Infrastructure and Video Competition Act (DIVCA) was passed in 2006, changing the regulatory landscape for cable TV in California – providing for State level franchising with only ministerial oversight and nearly automatic State video service franchises issued by the Public Utilities Commission (CPUC). CPUC has already granted State Video Franchises for AT&T and Redwood Tel (though neither company currently operates video service in Humboldt County).

State Video Service Franchise – Provisions

- 10 year term with **legacy obligations**
- time, place & manner regulations
- encroachment, permit & inspection fees
- LFA retains customer service enforcement obligation
- Penalties now split with State Digital Divide Account
- 5% Franchise Fee subject to audit
- current PEG channels retained plus more if use levels met
- PEG access funding continues (2006 level, 3% is cap)

To secure the interests of local jurisdictions under DIVCA, a model “State Video Service Franchises” Ordinance was drafted by Buske Group, based on existing code for City of Eureka. And a workshop was convened by Access Humboldt for local policy review. The result is a proposed draft Ordinance, submitted for consideration by the Cities and the County of Humboldt.

AGENDA SUMMARY

**RE: The Greater Eureka Chamber of Commerce
Funding Agreement**

For Agenda Date: January 4, 2011

Agenda Item No.:

13

RECOMMENDATION:

Pursuant to Sections 10 & 11 of the Funding Agreement between the City of Eureka and the Greater Eureka Chamber of Commerce (Chamber), it is recommended that Council authorize the City Manager to:

- 1) Notify the Chamber of the City's desire to extend our "Funding Agreement" for an additional year, effective January 1, 2011;
- 2) Authorize payment for approved expenditures made in accordance with the Chamber's Comprehensive Marketing plan and annual budget in an amount equal to approximately 7.5% of the City's Transient Occupancy Tax (TOT), and not to exceed \$100,000 per the City's approved budget.

SUMMARY OF THE ISSUE:

This item was carried forward from your last Council meeting for consideration at this meeting.

The City currently contracts with the Greater Eureka Chamber of Commerce to provide a number of services intended to increase the positive impacts of visitor spending. For their services, the City has a 2010/2011 budget equivalent to approximately seven and one-half percent (7.5%) or approximately \$100,000 of the City's Transient Occupancy Tax (TOT).

The current funding agreement between the City and the Chamber requires an annual review by the City of a Comprehensive Marketing Plan (Plan) provided by the Chamber. Within 45 days of the receipt of the Plan the City is required to notify the Chamber of the City's decision to extend the current agreement.

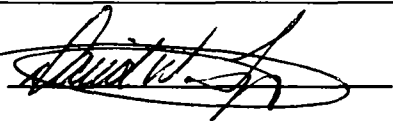
The Chamber's 2011 Visitor Services Plan includes the following components:

- Enhance the economic benefit generated from the Chamber Visitor Center;
- Increase the shopping, recreational, entertainment and cultural information provided to visitors;

FISCAL IMPACT:

The funds necessary to fulfill the City's financial obligations included in the funding agreement are allocated each fiscal year from the City's General Fund. The budgetary impact is approximately \$100,000 for the 2010-2011 fiscal year.

CM SIGN:



REVIEWED BY:

DATE: INITIALS:

**City Attorney
Finance Department**

COUNCIL ACTION:

Ordinance No.

Resolution No.

City of Eureka

AGENDA SUMMARY

**RE: The Greater Eureka Chamber of Commerce
Funding Agreement**

Agenda Summary Date: January 4, 2011

Page 2

SUMMARY OF THE ISSUE, cont.

- Increase Performance Measurement Mechanisms;
- Production and distribution of Eureka-related collateral materials;
- A public awareness campaign promoting the value of visitor spending;
- Regional promotion and distribution;
- Economic development linkages;
- Evaluation and measurement; and
- Funding requirements and budget.

Performance indicators for the 2010 calendar year saw direct informational contacts of 21,576, which was consistent with 2090 Web site activity increased 4.5% over the previous year to a projected 90,501 unique visitors.

Sections 10 & 11 of our funding agreement with the Chamber provide that we may either extend the agreement for the next calendar year or provide written notice of non-extension which provides another year under the current agreement and expires December 31, 2010. In recognition of our current budget situation, this would give the City and Chamber time to negotiate a new funding agreement with different terms, or for funding to cease completely.

Based upon review of the proposed Visitor Services Plan, the City Council can continue the City's investment in the Greater Eureka Chamber of Commerce or provide notice that it does not wish to extend the agreement beyond December 31, 2011.

Pursuant to Sections 10 & 11 of the Funding Agreement between the City of Eureka and the Greater Eureka Chamber of Commerce (Chamber) the Council can either authorize the City Manager to:

- Notify the Chamber of the City's desire to extend our "Funding Agreement" for an additional year, effective January 1, 2010, or, to allow renegotiation of the agreement due to the City's current budget situation;
- Provide written notice to the Chamber that the City does not wish to extend the term of this agreement for an additional year following the one year period commencing January 1, 2010, and ending on December 31, 2010.

RECOMMENDATION:

- 1) Notify the Chamber of the City's desire to extend our "Funding Agreement" for an additional year, effective January 1, 2011;
- 2) Authorize payment for approved expenditures made in accordance with the Chamber's Comprehensive Marketing plan and annual budget in an amount equal to approximately 7.5% of the City's Transient Occupancy Tax (TOT), and not to exceed \$100,000 per the City's approved budget.

MARKETING AGREEMENT

EUREKA CHAMBER OF COMMERCE

This agreement is executed on January 1, 2011, by and between the City of Eureka, a Municipal Corporation of the State of California, hereinafter referred to as "City", and the Eureka Chamber of Commerce, hereinafter referred to as "Chamber".

Whereas, the City of Eureka wishes to expand economic development in the Eureka area by utilizing the resources of the private sector; and

Whereas, the Eureka Chamber of Commerce wishes to provide, through its membership and by other means, private sector resources to assist the City to promote and expand the economic base in the Eureka area; and

Whereas, City wishes to establish conditions applicable to the promotion of economic development; and

Whereas, The parties hereto have previously entered into agreements to facilitate cooperation in funding between them,

Now, Therefore, it is agreed as follows:

1. Purpose of Allocation. The specific purpose of this allocation is to provide payment for Chamber costs incurred in evaluating, identifying, and attracting commerce and industry to the City of Eureka, County of Humboldt.

(a) Amount. For each fiscal year this Agreement is in effect, City hereby agrees to allocate to Chamber an amount equal to 7.50 percent of the gross revenues of the Transient Occupancy Tax (TOT) recorded (in accordance to generally accepted accounting principles) by the City for the previous fiscal year. For Fiscal Year 2010/11 this amount shall not exceed \$100,000. The amount allocated shall be adjusted to include any late TOT payments and/or penalties. This allocation shall be reserved by City to pay all approved expenditures made in accordance with the Chamber's Comprehensive Marketing Plan and annual budget.

(b) Method of Payment. City agrees to pay quarterly to the Chamber one-fourth (1/4th) of the yearly amount specified in Section 1(a). Said payment shall be made within thirty (30) days of the quarter ending date (August 1st, November 1st, February 1st, and May 1st) and shall represent the City's payment obligation under this Agreement for the previous quarter's work done by the Chamber.

2. Administration of Agreement. The City Manager is hereby designated by administer this agreement on behalf of City and is hereby authorized to make any determination on behalf of City necessary for implementation of the provisions of this agreement.
3. Chamber Responsibilities. In consideration of these funds, Chamber agrees to:
 - (a) Carry out the program and services as described in paragraph number 1 above (Purpose of Allocation).
 - (b) Retain the records relative to this agreement for three (3) years after termination of this agreement or until all audits are completed for the fiscal years during which this agreement is in effect, whichever is later.
 - (c) Provide to City on an annual basis, a written summary containing in performance terms a review of services provided, special results achieved, areas of needed change, areas in which future services or procedures could be improved, and for those objectives not achieved the reasons therefore. Chamber shall also provide City on a timely basis as specified by City any other written reports and responses which City shall reasonable request.
4. Audits. City shall have the right to monitor and audit all work performed under this agreement. City will notify Chamber in writing within thirty (30) days of any potential exceptions discovered during such audits. Where such findings indicate that agreement requirements are not being met, upon such written notification Chamber promises to take appropriate corrective action immediately.
5. Title to Equipment. Any equipment acquired with allocation funds under this agreement shall be deemed the property of City. Upon termination of this agreement Chamber may continue to use said equipment for so long as the program for which the funds were provided continues to be conducted by Chamber. If the program ceases to be conducted by Chamber, said property shall be returned to City.
6. Copyrights, Patents. If this agreement results in a book or other copyrightable material, the author is free to copyright the work but City reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, all copyright material and all materials, which can be copyrighted. A discovery or invention arising out of or developed in the course of work aided by this agreement shall promptly and fully be reported to City for determination as to whether patent protection of such invention or discovery shall be sought and how the rights of the invention or discovery,

including rights under any patent issued thereon, shall be disposed of and administered in order to protect the public interest.

7. Insurance. The Chamber shall, at its own expense, take out and keep in full force during the continuance of this contract:

(a) A comprehensive general liability insurance policy, with minimum limits of \$2,000,000 combined single limit (CSL). Insurance must be placed with a company or companies approved by the City of Eureka and BEST rated A, VII or Better. Such policy must be endorsed to include the following provisions:

- (i) A statement that includes the following language:

"The City of Eureka is included as an additional insured including its officers, officials, employees, and volunteer's."

- (ii) A statement acknowledging the insured's insurance as primary as respects the City of Eureka and that any other insurance maintained by the City of Eureka Shall be in excess of the insured's insurance, and shall not be called upon to contribute with the insurance of the Chamber.

- (iii) A statement that the policy shall not be canceled except after ten days prior written notice to the City.

(b) The Chamber shall at its own cost and expense procure and maintain during the continuance of this contract a policy of workers' compensation insurance/employers liability insurance for the protection of its employees and volunteers. Such policy must be placed with a company acceptable to the City of Eureka and must be endorsed to include the following provisions:

- (i) A waiver of subrogation clause, which states the following:

"This insurance company agrees to waive all rights of subrogation against the City, its officers, officials, employees, and volunteers for losses paid under the terms of this policy, which arise from the work performed by the named insured for the City."

(c) This agreement shall not be executed by City until certificates and endorsements or other sufficient proof that these insurance provisions have been complied with and filed with the City Clerk. If Chamber does not keep such insurance in full force and effect City may, upon receiving notice of cancellation of said insurance, elect to terminate this agreement effective on the date said insurance coverage is terminated.

8. Indemnification. Chamber agrees to indemnify, defend and save City, its officers, agents, employees, and volunteers from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, materialmen, laborers, and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of this agreement and for any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Chamber in the performance of this agreement.
9. Compliance with Law.
 - (a) All work done under this agreement shall be done in compliance with the applicable provisions of the federal and state laws and any regulations promulgated there under.
 - (b) Chamber agrees to comply with all state or local licensing standards; all applicable accrediting standards and any other standards or criteria established by the state or local laws to assure quality of service.
 - (c) This agreement shall be governed and construed in accordance with the laws of the State of California.
10. Term of Agreement. This agreement shall be reviewed annually on or before the first day of January (extension date) and extended for a term of one (1) year upon written agreement by both parties. So that City can adequately consider extension of this Agreement, Chamber shall, on or before the first day of November prior to the extension date, provide to City a written request for an extension along with a Comprehensive Marketing Plan setting forth the Chamber's plans for marketing the City of Eureka during the upcoming calendar year. Following receipt of Chamber's Comprehensive Marketing Plan City shall, within 45 days of receipt of said Plan, determine whether or not to extend the Agreement for another year and shall notify Chamber of City's decision within 45 days of receipt of said Plan.
11. Notice of Non-Extension. In the event the City decides not to extend the term of this Agreement for an additional year, City shall provide written notice to Chamber within 45 days of receipt of the Plan as provided in Paragraph 10. Such non-extension of the Agreement shall result in the termination of City's funding of Chamber as set forth herein, however such funding shall not cease for a period of one (1) year from the extension date (first day of January).
12. Notices. City shall mail notice to Chamber at: 2112 Broadway, Eureka, California 95501-2189. Chamber shall mail notice to City at: 531 K Street, Eureka, California 95501. Said notice shall simply state that the

party is exercising its rights under the agreement not to extend the agreement.

13. Complete Agreement. This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto. This agreement supersedes all previous agreements, if any, between the parties.
14. Amendments. Any alterations, variations, modifications or waivers of provisions to this agreement shall be valid only when reduced to writing duly signed and attached to the original of this agreement.
15. Assignability. Chamber shall not assign any interest in this agreement without the prior consent of City, and any attempted assignment without such consent shall be void.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto on the date first above written.

CITY OF EUREKA:

EUREKA CHAMBER OF COMMERCE:

By _____
Frank Jager, Mayor

By _____

ATTEST:

By _____
Pam Powell, City Clerk

APPROVED AS TO FORM:

By _____
Bill Bragg, City Attorney



Visitor Services Plan

2011

Prepared by,
J Warren Hockaday, CEO
November 1, 2010

CHAMBER MISSION STATEMENT

“The Greater Eureka Chamber of Commerce is an organization of members that develops and promotes trade, commerce and tourism in Eureka and the north coast region.”

2010 Board of Directors

Officers

Mike Newman, Chair
The Shaw Group

Gregg Gardiner, Vice Chair
101 Things to Do

John Dalby, Treasurer
Redwood Capital Bank

Directors

Gary Barnard
Pachanga Mexicana

Greg Dale
Coast Seafoods

Jackie Deuschle-Miller
Green Diamond Resource Co

Linda Disiere
North Coast Investors Group

Scott Flynn
Red Lion Hotel

Roy Frostenson
KIEM-TV

Hans Gerstacker
State Comp Insurance Fund

Russ Harris
North Valley Bank

David Kuta
Times Standard

Jeff Marsee
College of the Redwoods

Carleton Neilsen
Nylex.net

Chuck Petrusha
Advance Security Systems

Mike Renner
L&M Renner, Inc.

Alison Talbott
Pacific Gas & Electric

Greg Williston
SHN Consulting Engineers

TABLE OF CONTENTS

Introduction	Page 4
Executive Summary	Page 11
2010 Program Performance	Page 13
Situation Analysis	Page 15
Goals and Objectives	Page 17
2011 Visitor Service Program Design	Page 19
Draft 2011 Budget	Page 24
Attachments	Page 25

INTRODUCTION

As local communities begin to see signs of life on the economic horizon, the State of California continues to struggle with its projected multi-billion dollar shortfall. The flagging State fiscal condition has been and will continue to impact other area economies. With State cutbacks, many areas of economic investment have been curtailed and have correspondingly, produced less in the way of revenues. Not the least of these is tourism promotion through the California Travel and Tourism Commission (CTTC). For the first time in many years the State of California has experienced a decline in visitor-related economic development. Before adjusting for inflation, travel spending in the State is down some ten (10) percent this last year. (Attachment 1)

Fortunately, for the City of Eureka and some parts of the north coast region, visitor related spending has increased in FY 2009/10. Recent reports reflect that the City of Eureka received a near 15 percent increase in Transient Occupancy (TOT) Tax, due to a combination of sustained market share and the voter-approved TOT increase to ten (10) percent.

Still, the recent recession and economic down turn has been felt in virtually all sectors nationally and of course, here at home. Businesses and local governments have been forced to accomplish more with less. The hospitality and travel industry has been similarly impacted yet, in the City of Eureka, tourism related economic activity continues to be a bright spot in an otherwise disappointing economic landscape.

In FY 2009/10 the City of Eureka enjoyed a 14.7 percent increase in Transient Occupancy Tax (TOT) revenues over the preceding year. That increase is largely attributable to the Measure E, TOT increase from nine (9) to ten (10) percent that went into effect in April 2009. However, visitor spending produced over \$2 million in General Fund revenues from Eureka lodging establishments alone. This is particularly noteworthy in that during the same period, several neighboring jurisdictions have seen revenues decline.

In Humboldt County, the most recent (2008) numbers from the State reflect that travelers spent \$308.8 million, creating 4,740 jobs and generating \$5.6 million in tax proceeds.

However, in FY08/09 TOT collections declined in the unincorporated areas by 3.08 percent.

It is encouraging that during this economic downturn, at least as it pertains to tourism, the City of Eureka has experienced an increase in tax revenues. It is again noted that the voter approved, TOT increase to ten (10) percent contributed to the increase in revenues.

It is important to mention that hospitality providers are not the only beneficiaries of tourism promotion and activity. Neither is TOT the only contributor to increased economic activity for businesses and tax revenues for local governments. In reports prepared for the California Travel and Tourism Commission, CTTC show that of the near \$309 million in travel spending in 2008, \$90 million was spent in food and beverage establishments in Humboldt County. Other impacts include \$43.7 million spent on the arts and entertainment, \$60.9 million in ground transportation and fuel and \$44.3 million in retail sales. (See Attachment 8)

Clearly, tourism related economic development is not the sole solution to a complex economic problem, but it remains a solid contributor to the City economy.

The Greater Eureka Chamber of Commerce and the City of Eureka have been engaged in a mutually productive, dynamic partnership for more than a century. The principals of the City and the Chamber have worked together to improve economic conditions, create employment opportunities and generate the resources with which to secure essential public services. Toward the attainment of this shared goal, the Chamber Board of Directors has often supported the City's efforts to secure adequate resources to further its various initiatives on behalf of its residents and businesses.

To this end, the Chamber Board has consistently voted to endorse such things as the City application and extension of an Enterprise Zone designation, the Tidelands Litigation, securing funding to complete the Martin Slough Interceptor and the reduction of State of California takeaways from local governments. In 2008, the Board supported the City budget solutions by supporting tax revenue enhancements such as the Utility Users Tax and specific voter approved tax measures D and E. The Chamber has consistently advocated on behalf of Eureka businesses to reduce regulatory burdens and lower the cost

of doing business. To the extent that such efforts are successful, Eureka's businesses contribute more in the form of tax revenues, job opportunities and economic prosperity.

In recent years, some have questioned the Chamber's role in advocating for business issues with the legislature and locally. The Chamber has a services agreement with the City to operate its Visitor Center and it also lobbies for local business interests. Political considerations aside, it is worth noting that many of the Chamber advocacy efforts have been made in support or at the request of the City itself.

The Chamber's lobbying/advocacy effort is purposeful and direct. It is geared to further many of the same goals and objectives that the City itself pursues. There has been concern in recent years as to the Chamber's role as a 'lobbying organization' and its efforts to promote economic development through the operation of the Chamber Visitor Center. This aspect of the Chamber program of work has been discussed at considerable length with members of the City Council and staff but, for the purposes of this report, this aspect of the Chamber's organization design and budgetary structure will be discussed in order, at least for the moment, to put any lingering concerns to rest.

The Eureka Chamber of Commerce is in truth, several organizations under a single roof. Its advocacy effort is supported entirely through membership dues and voluntary donations. By design, the Chamber Visitor Center operation is funded and accounted for completely independent of other non-tourism related activities. TOT funds are not used for any purpose other than tourist-serving, Visitor Center operations.

In light of troublesome economic times on a variety of important levels, the Chamber contribution to local economic development is among the few bright spots in the City's fiscal picture. When other revenue streams are in decline, visitor related economic development efforts continue to contribute to the City's ability to generate those resources needed to provide essential public services.

Visitor-related economic development continues to produce a significant return on investment in Eureka and in the regional marketplace.

A variety of factors are evaluated each year that identify performance trends and outcomes. Those factors include off-site inquiries to the Chamber, walk-in traffic at the

Visitor Center, requests for brochures and other collaterals as well as increased website traffic. As the Chamber operates on a calendar year basis, final performance numbers will not be available until January 2011. However, year-to-date indicators point to modest, increased activity in the referenced areas. Some reductions have been experienced in 'walk-in' and telephone referrals. That is attributed to fewer budgetary resources that limited the Visitor Center's ability to increase its hours of operation during the tourist season.

The Eureka Chamber participation in the local promotional/marketing effort involves local and regional marketing, responding to visitor inquiries, referring visitors and local residents to area businesses and engaging in a variety of economic/business development activities. Virtually every tourist who contacts the Chamber is provided contact information about Eureka hotels, restaurants, merchants, service providers, state and national parks, local attractions and other businesses. This is facilitated through the distribution of collateral materials, business information and face-to-face exchanges at the Visitor Center. While other economic development efforts are broader based, the primary goal of this exercise is of course to maximize visitor spending and revenue generation within the City.

As previously noted, the 2010 tourist season has just now ended and a final analysis has not yet been completed. However, preliminary information measuring visitor contacts reflect that traffic to the Chamber Visitor Center has remained comparable to 2009 levels. By the end of 2010, it is projected that 16,410 people will have received information on site from the Chamber about lodging, dining, recreation, entertainment, retail, services and the community at large.

Referrals are also made over the telephone, through email and website contacts and through the Postal Service. Suffice it to say that tax revenues enjoyed in 2010 are, in part attributable to and consistent with Chamber efforts.

In fiscal 2009/10 more than \$2 million has been realized through Transient Occupancy Tax (TOT) receipts and reflect a total of over \$20 million spent in Eureka hotels over the year. Considerably more revenues are produced to support the City programs and services through Sales and other taxes that flow to Eureka and other local governments from Chamber generated referrals.

The current, Fee for Services agreement between the City and the Chamber provides for the delivery of an array of services intended to increase and maximize the impacts of visitor spending. Businesses of all kinds as well as the City itself directly benefit from the Chamber operation. Of the more than \$2 million received in TOT revenues, our funding agreement provides for 7.5 percent to be reinvested with the Chamber.

The majority of TOT proceeds become General Fund Revenues for the support of discretionary programs such as public safety, maintenance and other services. Under the current agreement, TOT will provide operational resources of approximately \$160,000¹. This represents less than one (1) percent of the total annual spending in Eureka hotels.

All indications are that tourist activity will continue to be an increasingly significant driver of local economic development. The direct benefit for local businesses and the City of Eureka represents an investment in promotional infrastructure that delivers a tangible return on investment and creates General Fund revenues that support other essential City services. However, due to recent funding reductions requested by the City and accepted by the Chamber Board, operating revenues have been dramatically reduced. As a consequence of these reductions several planned facility improvements have been deferred. More importantly, due to budgetary reductions, personnel expenses have been reduced and, as previously noted, the ability to provide staffing for extended hours of operation during the peak tourist season has been reduced.

As in years past, the primary Chamber effort involves the multi-function operations of the Chamber Visitor Center. This central, point-of-purchase marketing application represents the primary activity. In addition to having the advantage of responding to tourist needs on a face-to-face, personal level we have the unique opportunity to learn first hand what brings people to the area, to encourage them to stay longer and to “tailor-make” referrals to those businesses that best suit the needs and interests of the individual traveler.

This current plan builds upon several, successful components that maximize existing strengths. Not the least of these involve physical improvements, increased visibility and enhanced informational resources at the Visitor Center. Beyond that, the plan continues

¹ Total amount to be adjusted based on actual TOT collections

an expanded regional presence for visitor promotional services which results in additional participation in local events.

Any successful marketing program will depend upon the support and participation of the businesses that are directly and indirectly involved. For example, in 2010 such things as regional collaboration with neighboring Chambers and the redesign of Chamber publications contributed to off-site inquiries about, and participation in local attractions. This approach will continue to coincide with local events so as to broaden the want-satisfying attributes of the program.

It is noted that unlike many destination-marketing applications, the Chamber promotional program is closely linked to the true attributes of the area. It is a promotional preference focusing on identity over image. Accordingly, there is little overstatement in Chamber marketing materials or in the making of referrals. A few of the legitimate selling points included in the array of marketable local attributes include the following:

- Access to scenic redwood forests, picturesque coastline and wild rivers
- Proximity to the State and National Park Systems
- A rich cultural and historic tradition
- A healthful and pristine natural environment
- Top quality dining, lodging, shopping and entertainment choices
- Genuinely friendly businesses and residents
- Relatively affordable costs of goods and services

The lines of distinction between visitor and non-visitor businesses continue to blend with the knowledge that hundreds of millions of dollars are spent by tourists exclusive of TOT in Humboldt County each year².

With direct tourism spending resulting in more jobs, more money is spent in traditionally non-hospitality related industries and businesses. The impact value of visitor spending is significant. Accordingly, a local awareness campaign continues to be incorporated into the Chamber program. The aim is to better acquaint the local public with the very positive effect visitor spending has on overall economic well being. The goal of this

² \$308.8 million in 2008

exercise is to encourage Eureka businesses to recognize the dollar value of being as 'visitor-friendly' as possible.

A key component to this plan is the continuation of an evaluation and measurement protocol that provides additional market research information for current assessment and future planning purposes. There are many intangibles as to that which motivates an individual visitor to travel to or remain longer in a particular destination. Considerable performance information is already known in terms of numbers of contacts and inquiries. Indeed, every face-to-face, personal contact with a visitor enhances our knowledge base for future planning. Discussions continue with the principals of the Humboldt County Convention and Visitors Bureau (CVB) and other local organizations for the purpose of furthering the quality and reliability of otherwise anecdotal information.

The success of this marketing program relies upon the spirit of cooperation and communication that already exists among the key players in the Eureka-based and regional, tourism related economic development arena. The City of Eureka, CVB, Eureka Main Street, College of the Redwoods, Humboldt State University and the Eureka Chamber have created partnerships dedicated to the most productive use of taxpayer resources. These partnerships have been successful and will be more so in the future as new and better marketing communication tools become available. Clearly, the differing missions and constituencies of these groups do not exclude the reality that although activities may sometimes overlap, their functions are uniquely independent yet closely related.

The Chamber Board and indeed the business community recognize that true economic development involves a multi-faceted approach. Tourism related economic development is just one effort among many aimed at improving business conditions overall. The Chamber Visitor Services Program is linked to the other efforts and entities that are working to improve infrastructure, respond to business-related issues, assist new enterprises and attract relocating businesses.

Accordingly, the Chamber is actively involved in promoting those local quality-of-life attributes that not only serve the interests of tourists but members of the community as well. Thus, the Chamber is involved in those efforts to increase public safety, improve transportation infrastructure, reduce blight and promote the expansion of new business

EXECUTIVE SUMMARY

The Chamber tourism-related economic development effort has evolved over the years into a successful model that effectively responds to the needs and wants of the prospective and actual visiting public. It is designed to capitalize on the strengths and successes of past collaborative marketing activities as well as create new methods of visitor attraction and retention. The plan is comprised of the following components:

- Enhanced Economic Benefit generated from the Chamber Visitor Center
- Increased shopping, recreational, entertainment and cultural opportunities
- Increased Performance Measurement Mechanisms
- Production and Distribution of Eureka-related Collateral Materials
- A Public Awareness Campaign Promoting the Value of Visitor Spending
- Regional Promotion and Distribution
- Economic Development Linkages
- Evaluation and Measurement
- Funding Recommendations and Budget

The primary objective in this plan is to create marketing strategies that increase visitor interest in and awareness of the businesses, services and attractions available in the City of Eureka. In general terms, this will be accomplished through outreach both locally and regionally. This is purposefully coordinated with consistent identifiers of the Visitor Center as the central (and primary) source of visitor and business information.

The Visitor Center as well as the City of Eureka itself, is positioned and promoted as the local hub, from which the broad array of specific, regional visitor options may be reached. As the natural first point of contact for those considering or planning to visit the area, staff members encourage potential guests to make Eureka their 'base of operations' while seeing the sights that are available within the north coast region.

Recent enhancements include the development of wireless Internet access and a dedicated computer station that allows visitors to check email from the Visitor Center.

The Chamber is also working to produce regional visitor resources that reinforce the primary marketing goal of persuading visitors to consider Eureka as a centralized base of operations and venture on day trips to the many regional attractions.

The preliminary (calendar year) budget involves capital resources in the approximate (budgeted) amount of \$160,000. Of that approximately \$150,000 is provided through TOT receipts. Other budgetary resources are devoted to efforts that are not derived from TOT proceeds. The bulk of the effort has and will be devoted to the dissemination of informational materials through Visitor Center staffing which includes expanded evening and weekend hours during peak and shoulder periods. Beyond that, a meaningful amount of in-kind resources are brought to the promotional effort through volunteer involvement in tourism promotion, events production and interrelated Chamber/City endeavors to improve the overall benefit of these programs to the visitors and residents of Eureka.

With this in mind, it is important to note that several key promotional applications have been developed and maintained with no expenditure of tax dollars. Chamber publications such as the Visitor's Guide and Business Directory are produced without the expenditure of contract monies. This is all due to cooperative arrangements with local publishers who provide the collateral materials in exchange for the proceeds from advertising sales. This way we are able to maximize the resources that provide the most effective aspect of the program.

The greatest resource any business or organization has is the quality, dedication and expertise of its employees. Collectively, the current Chamber staff brings a combined total of over 60 years experience serving tourists at the Chamber Visitor Center.

2010 PROGRAM PERFORMANCE

By the end of 2010, the Chamber Visitor Center will have provided lodging, dining, sightseeing, relocation information to over 21,500 potential and actual visitors. Website performance has also dramatically increased with a projected 90,000 unique visitors over the year.

Goals for 2010 were identified and met as follows:

GOAL: *Increase T.O.T Revenues in the City of Eureka in 2010*

ATTAINMENT: TOT revenues increased about 14.7 percent in FYE 2010. This represents an approximate increase of nearly \$263,000 over FYE 2009.

GOAL: *Increase Referrals from Chamber Visitor Center to local businesses in 2010*

ATTAINMENT: In calendar year 2009, 16,865 visitors received direct information on local businesses from the Chamber Visitor Center. In last year's plan, that number was projected to decline by some 2 percent, to 16,500 direct contacts. End of year projections revise that figure to 16,410. The reduction is attributable to the aforementioned staffing adjustments that curtailed the typical expansion of evening and weekend hours.

However, it should be noted that the vast majority of 'walk-in' customers receive multiple referrals so the actual impact of Chamber recommendations is significantly greater than the per-person count would indicate.

GOAL: *Increase opportunity for visitor involvement in and with the Visitor Center*

ATTAINMENT: Additional informational resources were solicited and received in 2010, broadening the scope of information available to the visiting public. Additionally, product lines have been greatly expanded to display and offer for sale a much wider variety of locally produced products for sale.

GOAL: *Increase news media/editorial support for tourism promotion*

ATTAINMENT: In 2010, seven (7) local broadcast and print articles were published and/or broadcast concerning Visitor Center activities and the positive impact of tourism on the local economy.

GOAL: *Increase Local awareness of and support for tourism contributions*

ATTAINMENT: A total of five (5) presentations were made before and with other area Chambers, service organizations, radio talk programs and local governments illustrating the value of tourism promotion.

GOAL: *Support local economic development efforts*

ATTAINMENT: During the course of the year, Chamber staff and Board members worked closely with all area economic development entities including the County and City economic development offices, RREDC, Workforce Investment Board, Redwood Technology Consortium, the Humboldt Bay Harbor, Recreation and Conservation District and others. (This effort is funded exclusive of TOT revenues)

Performance indicators for the period include the following:

	2007	2008	2009	2010
Direct Informational Contacts				
On-site Visitor Center referrals ³ (Walk-in, local phone, kiosk etc.)	15,434	16,865	16,524	16,410
Off-site Information Requests (Telephone, '800' number, email, etc.)	4,672	5,046	5,354	5,166
Total Direct Contacts	20,106	21,911	21,878	21,576

Web Site Activity

<i>Unique Visitors</i>	2008	2009	2010	%
Jan-Sept	66,933	69,842	72,365	3.6
Jan-Dec	84,291	86,604	90,501 (projected)	4.5

³ Includes area map and Visitor Guide distribution at site

SITUATION ANALYSIS

Projections and analyses provided by the California Travel & Tourism Commission indicate that visitor spending in California has been steadily growing in recent years but the trend was reversed in the last year. However, in contrast, Transient Occupancy Tax receipts in Eureka have increased in recent years including FYE 2009/10 which reflects a significantly greater increase than that of the State and other local entities.

Competitive Environment

As the market narrows, competition for visitor attention is growing. Major traditional resort and vacation destinations in California are experiencing significant declines in the recessed economy. Those destinations still are aggressively marketing their attractions for an anticipated overall increase in tourism activity.

Locally, marketing efforts by individual cities are also on the rise. With the presence of the Welcome Center in Arcata and better and more active marketing on the part of regional chambers, the local competitive environment remains challenging. However, it is noted that the marketing efforts of our neighboring cities affords an opportunity for Eureka to benefit as well. The prominence and enhanced visibility of the Eureka Visitor Center will result in a higher proportional share of any increased visitor traffic produced as a result of separate yet related marketing efforts.

A review of TOT receipts alone reveals that Eureka outpaced other nearby cities in total tax dollars received. The following reflects the TOT dollar amounts compared to percentage increases in receipts for Eureka, Arcata, Fortuna and the County of Humboldt:

	FY 07	FY 08	FY 09	FY 10	% Change
Eureka	1,557,979	1,742,728	1,784,796	2,047,660	14.7
Arcata	872,884	892,051	833,304	870,708	4.5
Fortuna	469,567	473,376	447,347	443,975	-0.75
Humboldt Co.	1,061,814	1,146,103	1,128,164	1,093,382	-3.08

Sources: Humboldt County Convention & Visitors Bureau (Attachment 11) – City of Eureka Finance Department

The Eureka Chamber Visitor Center remains the principal point of contact for the region. Given its location at the primary focal point for visitors and Eureka's identity as the largest City in the area with the greatest name recognition, the local competitive advantage should be maintained this year. The greatest potential increase in visitor activity will be realized by building upon that which is already working. Thus, with added visibility of the Chamber/Visitor Center location, increased service potential and expanded presence through regional advertising, the ability of the Visitor Center to make a significant positive impact on lodging, dining and touring decisions should continue to represent a significant economic force in 2011 and beyond.

External and Internal Factors

Elements outside the direct scope of Chamber activity are made up of efforts that are now, and will be made to develop attractions and other reasons for visitors to favorably consider Eureka as more of a destination. Accordingly, this plan recognizes the intrinsic linkage between tourism promotion and local economic development projects both privately and publicly sponsored. To the greatest extent, the executive staff and leadership of the Chamber will continue to be involved with such proposed improvements. This plan then encompasses comprehensive linkages with the local economic development community, tourism, and event promoters along with sustained involvement with the County of Humboldt and the City of Eureka.

The Chamber's role in this effort goes beyond the promotion of tourism and the provision of visitor services. As the region's predominant business support organization, involvement in all aspects of local economic development become an integral part of the Chamber's overall mission. Examples of this ancillary activity include advocating for transportation improvements and enhanced air service and new business recruitment.

2011 GOALS AND OBJECTIVES

GOAL: Increase TOT Revenues in the City of Eureka in 2011.

Objectives:

- A) Provide expanded lodging, restaurant, event and attraction information at the Chamber Visitor Center and on the Chamber website
- B) Conduct recurrent Visitor Center Staff training in influencing visitors to remain in the City for a longer period of time
- C) Produce and distribute collateral materials promoting Eureka businesses
- D) Encourage participation and support of local businesses in contributing to the effort of tourism promotion
- E) Increase overnight visits of visitors from regional locations
- F) Enhance availability of information through the Chamber Web site
- G) Continue contacting hotels with available rooms during peak (near sold out) times of the year

GOAL: Expand Number of contacts to Chamber Visitor Center in 2011.

Objectives:

- A) Distribute Eureka-based publications to hotels, visitor centers and California chambers
- B) Increase attractions at Visitor Center
- C) Identify and obtain sufficient resources to restore expanded Visitor Center hours of operation during peak and shoulder seasons
- D) Continue to enhance interactivity and content of Chamber web site
- E) Address growing visitor need/demand for free wifi and on-site internet access

GOAL: Increase Public, News Media/Editorial Support for Tourism Promotion.

Objectives:

- A) Submit feature articles and guest columns in local print media
- B) Prepare and submit news releases on economic contribution of tourism-related economic development

- C) Address entities of local government, service and economic development organizations
- D) Respond to requests for speakers at service clubs and community organizations to promote support for the value of Visitor Center activities

GOAL: Continue to Integrate Tourism Promotion with Local Economic Development Efforts.

Objectives:

- A) Maintain regular involvement with key local economic development organizations
- B) Prepare and distribute 'relocation packets' to interested businesses and individuals

2011 PROGRAM DESIGN

CHAMBER VISITOR CENTER

Expanded Hours of Operation

Historically, the Visitor Center has been available to the visiting public in person or by telephone between the hours of 8:30 A.M. and 5:00 P.M. on weekdays. The standard operating hours have typically been expanded during periods of increased visitor activity (late May through early September) until 7:00 P.M. on Friday evenings and from 10:00 A.M. until 4:00 P.M. on Saturday and Sunday. Due to budgetary constraints, in 2009 and 2010, extended hours of operation were for the most part eliminated. In order to meet anticipated demand, the facility was open during evening and weekend hours in connection with known events such as graduations, festivals and the Ocean salmon season. If sufficient funds are available, additional staff support will be provided at the Visitor Center to accommodate expanded hours during the peak season.

Physical Improvements

The plan provides resources to continue to improve the Visitor Center as an informational resource and increasingly function as a showcase for local events, products and services. It is envisioned that the following enhancements will be made:

- Continue refreshing and expanding the exhibits in the "Pride of Humboldt" Room to display historically significant local art and cultural artifacts.
- Expand line of local products for sale as souvenirs and to showcase local artists, craftspeople and producers.
- Expand business displays at Visitor Center to increase interest and referrals
- Continue to offer free wireless Internet access
- Continue availability of dedicated computer and Internet access for visitors
- Expand Informational Kiosk at Facility Entrance

Local Products, Events and Services Display

The lobby area of the Visitor Center offers a comprehensive array of brochures and other promotional materials. It is also planned to further increase the availability of unique locally produced products and gift items. Among the most popular features for travelers is a collection of current restaurant menus that they may review while making dining choices.

The individual business displays are rotated periodically so that more businesses would have the opportunity to participate. Additionally, space will continue to be provided for the promotion of local events. The theory is to acquaint each visitor who stops by the Visitor Center with as much detail as possible about the character and attributes of the Eureka Community as an incentive to remain longer.

PROMOTION

Events Promotion

The Eureka Chamber has long supported local events that serve as an attraction for visitors from beyond the City limits. As in previous years, this plan offers enhanced support for other community events that also encourage visitor travel to the area. The regional advertising campaign described earlier will also include local events in the packaging of hotel/restaurant incentives. This includes free promotion of local events in Chamber publications, signage, the website and direct referrals. Additionally, local events will receive enhanced promotion from added visibility in the display area of the Visitor Center as well as banners that are attached to the Visitor Center Sign on Broadway.

Production of Eureka Collateral Materials

The principal printed informational resource is the Chamber "Visitor's Guide." This publication is updated and revised annually as part of this plan. It should be noted that this collateral is produced independent of TOT dollars. The Guide has been an invaluable tool in drawing visitor focus to the attributes of Eureka. It is regularly distributed to 'walk-in' visitors and those contacting the Visitor Center for additional information.

LOCAL PUBLIC AWARENESS

Local Outreach

Efforts will continue to maintain and expand a public awareness/support campaign. The goal of course, is to create positive public attitudes toward efforts made to promote tourism, as well as motivating businesses and employees to make an effort to enhance the visitor experience. Additionally, recognition of the value of the tourism contribution to local economic well being, will also result in general public and business support for the utilization of resources provided to the City, the Bureau, the Chamber and others for such promotional activities.

News Media Outreach

A coordinated news media promotion will be continued as to the positive impacts tourism provides the local economy overall. It is also proposed that principals of the Chamber appear regularly before community groups and organizations to report on Visitor Services Plan accomplishments so as to take advantage of press interest in local affairs.

Economic Development

The central theme of this exercise is inherent in the recognition that visitor spending has been, and will continue to be, an important contributor to the local economy. To the extent that economic development efforts create improved or increased opportunities for visitors or business travelers, they become an integral component in any tourism promotion effort.

With that in mind, Chamber projects such as the continued production and distribution of a comprehensive relocation packet for business and individuals, serving as the primary point of first contact for new business inquiries and maintaining its web site as an informational resource serve to broaden the economic development potential for local businesses and industry.

EVALUATION AND MEASUREMENT

This component of the visitor services plan will produce valuable data with which to base future marketing decisions. This data will be used not only to plan future promotional activities but also to gauge the effectiveness of individual components of the marketing program. Measurement includes, but is not limited to the following:

- Tracking and analysis of telephone, mail and email inquiries for tourism information
- Tracking of web site user activity
- Tracking and analysis of Visitor Center 'walk-in' referrals to local businesses

2011 VISITOR SERVICES

DRAFT BUDGET

REVENUE

T.O.T.	\$148,000
Other Tourism Income	<u>12,000⁴</u>
Total Income	\$160,000

EXPENSE

Payroll

Salaries	\$72,250
Taxes/ Insurance	<u>18,065</u>
Total Payroll	\$90,312

Publications

Brochures	\$500
Website Expense	4,300
Advertising	<u>3,000</u>
Total Publications	\$7,800

Operations

Postage	\$3,500
Committee Expense	4,500
Occupancy Expense	12,925
Facility Operations Expense	<u>10,700</u>
Total Operations	\$31,625

Visitor Center

Maintenance	\$2,500
ADA Expense	3,200
Extended Visitor Center Payroll	12,350
Signage	<u>4,500</u>

Total Visitor Center	<u>\$ 22,550</u>
Total Expense	\$152,287

Reserve	<u>7,713</u>
Total Expenses and Reserve	\$160,000

⁴ Non-TOT revenue

ATTACHMENTS

California Travel and Tourism Commission Reports⁵

- 1) State Travel Impacts by County 1992-2008 - April 2010 – Summary
- 2) California Travel Impacts 2003 – 2009(p)
- 3) Total and Visitor-Generated Sales Tax by County 2008
- 4) 2009 Regional Direct Travel Impacts
- 5) North Coast Travel Impacts – 1992-2009(p)
- 6) California Travel Impacts by County 2008
- 7) Travel Spending by County 1992- 2008
- 8) Humboldt County Travel Impacts, 1992-2008
- 9) Transient Occupancy Tax by County FY 1999-2009
- 10) California Transient Occupancy Tax by jurisdiction 1999-2009

Humboldt County Convention and Visitor Bureau Report

- 11) Transient Occupancy Tax Collections for FYE 6/30/10

⁵ Prepared by Dean Runyan Associates for the California Travel and Tourism Commission



**California Travel Impacts by County,
1992-2008**
2009 Preliminary State & Regional Estimates

April 2010



A Joint Marketing Venture of the California Travel & Tourism Commission
and the California Business, Transportation and Housing Agency, Division of Tourism

EXECUTIVE SUMMARY

This report provides detailed statewide and regional travel impact estimates for California from 1991 to 2009. The estimates for 2009 are preliminary. The report also provides detailed county estimates for 2008 and transient occupancy tax receipts for all jurisdictions through the 2009 fiscal year.

THE CALIFORNIA TRAVEL INDUSTRY AND THE ECONOMIC RECESSION

The worldwide recession has had a profound effect on the travel industry. Private households have curtailed their spending on most goods and services, including travel, and businesses have reduced their travel budgets. The California travel industry was even more vulnerable in 2009 because of (1) the severity of the economic recession in the state¹, (2) the importance of overseas travel to the state, and (3) the importance of domestic air travel. Accordingly, most indicators of the travel industry (including spending, employment, tax receipts and visitor volume) reflect the severity of this recession.

- **Spending.** Travel spending declined by 10.0 percent in California from 2008 to 2009 in current dollars. This compares to a 5.7 percent decline for the entire U.S. over the same time period. However, much of the decline in spending in California and the U.S. was due to price *deflation* – primarily for lodging and motor fuel. When adjusted for inflation, the decline in travel spending for California was 3.9 percent, compared to 3.6 percent for the nation.
- **Employment.** Travel-generated employment decreased by 5.0 percent in California from 2008 to 2009. Total private sector employment in California declined by 6 percent over the same period. Preliminary estimates of U.S. travel industry employment indicate a decline of about 4.5 percent from 2008 to 2009.
- **Tax Revenues.** Total local and state tax receipts generated by travel spending declined by 9.8 percent from 2008 to 2009. The decline in local tax revenues from transient lodging taxes, due in part to lower room rates, more than offset the April state sales tax rate increase. Despite the sharp decline in travel-generated tax revenues, the industry is still one of the leading contributors of tax revenues to state and local governments.
- **Travel Activity.** According to Smith Travel Research, room demand in California decreased by 6.8 percent from 2008 to 2009. This compares to a decrease of 5.8 percent for the entire U.S. and 6.4 percent for the Pacific region.² Estimates of visitor air travel on domestic flights are similar – a decline of 6.5 percent for California from 2008 to 2009 and 5.8 percent for the U.S.

¹ Personal income declined by 2.5 percent from 2008 to 2009, the tenth biggest decline of all states (Bureau of Economic Analysis).

² The Pacific region includes Alaska, California, Hawaii, Oregon and Washington.

**California
Travel Impacts, 2003-2009p**

	2003	2004	2005	2006	2007	2008	2009p
Total Direct Travel Spending (\$Billion)							
Visitor Spending at Destination	69.8	74.8	80.5	84.6	87.8	90.2	80.9
Other Travel*	5.8	5.9	6.5	7.2	7.3	7.3	6.8
Total Direct Spending	75.6	80.7	87.0	91.8	95.1	97.5	87.7
Visitor Spending by Type of Traveler Accommodation (\$Billion)							
Hotel, Motel	36.4	39.4	43.1	45.7	47.7	48.6	42.7
Private Campground	2.7	2.9	3.0	3.0	3.0	3.1	2.7
Public Campground	0.5	0.6	0.6	0.6	0.6	0.6	0.5
Private Home	9.1	9.5	10.0	10.4	10.8	11.3	10.7
Vacation Home	3.2	3.4	3.6	3.8	4.0	4.1	3.9
Day Travel	18.0	19.1	20.3	21.1	21.7	22.4	20.4
Spending at Destination	69.8	74.8	80.5	84.6	87.8	90.2	80.9
Visitor Spending by Commodity Purchased (\$Billion)							
Accommodations	11.9	12.9	14.2	15.3	16.4	16.6	13.9
Food & Beverage Services	17.2	18.4	19.6	20.3	21.1	21.8	21.3
Food Stores	2.4	2.6	2.7	2.7	2.8	3.0	2.8
Ground Tran. & Motor Fuel	10.2	11.8	13.9	15.4	16.4	17.8	13.4
Arts, Entertainment & Recreation	12.7	13.3	13.7	14.0	14.1	14.1	13.4
Retail Sales	13.8	14.1	14.5	14.7	14.7	14.6	14.0
Air Transportation (visitor only)	1.6	1.7	2.0	2.2	2.2	2.3	2.1
Spending at Destination	69.8	74.8	80.5	84.6	87.8	90.2	80.9
Industry Earnings Generated by Travel Spending (\$Billion)							
Accommodations & Food Service	12.1	13.0	13.8	14.5	15.5	16.0	15.3
Arts, Entertainment & Recreation	6.3	6.6	6.9	7.2	7.5	7.7	7.6
Retail**	2.4	2.5	2.6	2.7	2.7	2.7	2.6
Auto Rental & Ground Tran.	0.5	0.5	0.5	0.6	0.6	0.6	0.6
Air Transportation (visitor only)	0.9	0.9	0.8	0.9	1.0	1.0	0.9
Other Travel*	3.1	3.1	2.9	3.2	3.1	3.1	2.9
Total Direct Earnings	25.3	26.6	27.4	29.0	30.4	31.0	29.8
Industry Employment Generated by Travel Spending (Thousand Jobs)							
Accommodations & Food Service	491.0	506.0	520.1	527.8	533.5	535.2	506.2
Arts, Entertainment & Recreation	220.6	224.7	226.4	226.5	229.0	228.4	221.0
Retail**	86.7	87.5	88.1	88.6	88.8	87.2	81.6
Auto Rental & Ground Tran.	15.0	14.8	15.2	15.1	15.3	15.8	15.4
Air Transportation (visitor only)	13.6	13.4	13.1	12.9	13.1	13.5	12.5
Other Travel*	51.5	49.7	47.9	47.8	48.0	47.9	44.7
Total Direct Employment	878.4	896.1	910.8	918.7	927.8	927.9	881.4
Tax Receipts Generated by Travel Spending (\$Billion)							
Local Tax Receipts	1.7	1.8	1.9	2.1	2.2	2.2	1.9
State Tax Receipts	2.9	3.2	3.4	3.5	3.6	3.7	3.4
Federal Tax Receipts	4.2	4.4	4.7	5.0	5.2	5.2	4.9
Total Direct Tax Receipts	8.8	9.3	10.0	10.6	11.0	11.2	10.3

Details may not add to totals due to rounding.

*Other Travel includes resident air travel and travel agencies. **Retail includes gasoline.

Attachment 3

**Total and Visitor-Generated State Sales-Tax Receipts
by County, 2008**

	Tax Receipts (Millions)		Percent
	Total	Visitors	Visitor-Related
Alameda	\$1,416.9	\$84.6	6.0
Alpine	\$1.3	\$0.5	36.7
Amador	\$25.4	\$2.7	10.8
Butte	\$159.0	\$6.8	4.3
Calaveras	\$18.7	\$3.0	16.1
Colusa	\$19.5	\$1.2	6.0
Contra Costa	\$790.1	\$42.2	5.3
Del Norte	\$13.8	\$2.8	20.2
El Dorado	\$106.2	\$14.6	13.7
Fresno	\$696.4	\$33.1	4.8
Glenn	\$18.9	\$1.3	6.9
Humboldt	\$100.5	\$7.9	7.8
Imperial	\$129.4	\$9.1	7.1
Inyo	\$19.0	\$3.8	20.1
Kern	\$717.6	\$30.4	4.2
Kings	\$82.5	\$4.1	5.0
Lake	\$34.0	\$4.3	12.8
Lassen	\$15.4	\$1.7	11.3
Los Angeles	\$7,830.5	\$532.0	6.8
Madera	\$78.8	\$5.6	7.2
Marin	\$246.9	\$19.3	7.8
Mariposa	\$10.2	\$5.1	49.9
Mendocino	\$74.3	\$8.5	11.5
Merced	\$141.8	\$4.9	3.5
Modoc	\$5.5	\$0.6	10.5
Mono	\$15.2	\$6.0	39.4
Monterey	\$320.6	\$58.8	18.3
Napa	\$151.3	\$26.5	17.5
Nevada	\$70.5	\$7.6	10.8

Source: Dean Runyan Associates, Inc., and California State Board of Equalization.

Attachment 4

2009 Regional Direct Travel Impacts

Region	Spending (\$M)	Earnings (\$M)	Employment (Thousand)	Tax Receipts		
				Local (\$M)	State (\$M)	Total (\$M)
North Coast	3,114	1,110	43.2	73	120	193
Shasta Cascade	858	302	13.0	13	33	47
San Francisco Bay Area	20,384	6,994	173.0	513	764	1,277
Central Valley	5,200	1,512	65.6	79	235	313
Gold Country	2,934	968	35.5	52	125	177
High Sierra	1,980	666	26.5	51	64	115
Central Coast	5,659	2,155	68.2	131	231	362
Los Angeles County	20,430	7,059	150.5	436	777	1,213
Orange County	7,705	2,687	81.4	189	304	492
San Diego County	9,941	3,546	108.9	218	393	611
The Deserts	4,946	1,485	59.2	87	202	289
Inland Empire	4,556	1,327	56.4	65	199	264
California	87,707	29,811	881.4	1,907	3,447	5,354

Attachment 5

North Coast
Travel Impacts, 1992-2009p

	1992	2004	2005	2006	2007	2008	2009p
Total Direct Travel Spending (\$Million)							
Visitor Spending at Destination	1,564	2,593	2,786	2,969	3,148	3,272	3,099
Other Travel*	23	19	14	16	18	16	15
Total Direct Spending	1,587	2,612	2,800	2,985	3,166	3,287	3,114
Visitor Spending by Type of Traveler Accommodation (\$Million)							
Hotel, Motel	659	1,274	1,397	1,527	1,658	1,722	1,609
Private Campground	113	149	152	153	153	161	153
Public Campground	39	51	53	54	54	57	52
Private Home	193	282	296	305	313	326	318
Vacation Home	126	175	184	191	197	203	193
Day Travel	434	662	704	740	774	802	775
Spending at Destination	1,564	2,593	2,786	2,969	3,148	3,272	3,099
Visitor Spending by Commodity Purchased (\$Million)							
Accommodations	275	507	557	615	674	693	625
Food & Beverage Services	411	671	718	759	811	853	873
Food Stores	75	117	120	122	128	138	137
Ground Tran. & Motor Fuel	128	248	299	336	359	394	279
Arts, Entertainment & Recreation	315	513	534	557	581	593	585
Retail Sales	360	536	557	579	594	600	599
Air Transportation (visitor only)	a	a	1	1	1	1	1
Spending at Destination	1,564	2,593	2,786	2,969	3,148	3,272	3,099
Industry Earnings Generated by Travel Spending (\$Million)							
Accommodations & Food Service	279	512	543	584	638	669	681
Arts, Entertainment & Recreation	147	238	249	268	288	302	310
Retail**	62	95	98	103	108	108	106
Auto Rental & Ground Tran.	2	4	5	5	5	5	5
Air Transportation (visitor only)	a	a	1	1	1	1	1
Other Travel*	15	14	8	9	10	8	8
Total Direct Earnings	505	864	904	970	1,048	1,093	1,110
Industry Employment Generated by Travel Spending (Thousand Jobs)							
Accommodations & Food Service	17.5	21.3	21.7	22.3	23.0	23.4	23.3
Arts, Entertainment & Recreation	12.9	14.9	15.0	14.8	15.6	16.0	16.0
Retail**	3.5	3.5	3.5	3.6	3.7	3.6	3.5
Auto Rental & Ground Tran.	0.1	0.1	0.2	0.2	0.1	0.2	0.1
Air Transportation (visitor only)	b	b	b	b	b	b	b
Other Travel*	0.6	0.3	0.2	0.2	0.2	0.2	0.1
Total Direct Employment	34.6	40.2	40.5	41.1	42.7	43.4	43.2
Tax Receipts Generated by Travel Spending (\$Million)							
Local Tax Receipts	29	55	62	70	76	80	73
State Tax Receipts	62	100	107	113	119	123	120
Total Direct Tax Receipts	91	155	169	183	195	202	193

Details may not add to totals due to rounding. Less than \$500,000 = a; less than 500 jobs = b.

*Other Travel includes resident air travel and travel agencies. **Retail includes gasoline.

The North Coast includes Del Norte, Humboldt, Lake, Mendocino, Napa and Sonoma counties.

California Travel Impacts by County, 2008

	Travel	Earnings (\$Million)	Employment (jobs)	Tax Receipts		
	Spending (\$Million)			Local (\$Million)	State (\$Million)	Total (\$Million)
Alameda	3,057.2	1,007.8	25,920	74.5	130.2	204.7
Alpine	26.2	6.5	350	0.6	0.7	1.3
Amador	112.2	45.3	2,060	1.4	4.0	5.4
Butte	268.6	71.8	3,720	4.1	10.8	14.8
Calaveras	155.9	59.1	2,250	1.4	4.4	5.8
Colusa	44.9	9.5	540	0.5	1.8	2.3
Contra Costa	1,374.9	372.2	11,420	26.1	68.3	94.4
Del Norte	105.1	46.6	1,740	1.6	3.8	5.3
El Dorado	604.3	224.8	8,510	13.3	21.3	34.6
Fresno	1,140.1	287.1	12,620	24.0	50.4	74.4
Glenn	49.8	16.1	790	0.7	2.1	2.7
Humboldt	308.8	95.3	4,740	5.6	11.9	17.5
Imperial	312.5	90.5	4,450	4.7	12.5	17.1
Inyo	203.6	50.5	2,570	5.5	6.1	11.6
Kern	1,238.8	324.3	13,660	15.8	50.6	66.4
Kings	145.7	41.2	1,970	1.6	6.2	7.8
Lake	164.2	55.0	2,770	2.3	6.0	8.3
Lassen	64.9	24.2	1,590	1.0	2.6	3.5
Los Angeles	23,085.8	7,460.8	161,150	518.5	855.0	1,373.6
Madera	213.9	74.7	3,060	3.6	8.3	11.9
Marin	760.9	295.7	7,470	18.2	28.6	46.8
Mariposa	311.6	84.4	4,090	11.2	7.6	18.8
Mendocino	336.3	124.0	5,400	7.8	12.3	20.1
Merced	214.4	48.4	2,290	2.6	9.3	11.9
Modoc	23.7	6.8	290	0.3	1.0	1.3
Mono	367.0	113.3	4,080	13.8	9.0	22.9
Monterey	2,110.1	922.0	22,560	55.9	79.9	135.8
Napa	1,029.8	343.3	11,750	33.6	36.2	69.9
Nevada	286.6	91.5	3,310	4.5	11.0	15.5

Attachment 7

California
Travel Spending by County, 1992-2008
(\$Millions)

	1992 through 2002											**Annual Change	
	1992	1994	1996	1998	2000	2002	2003	2004	2005	2006	2007		2008
Alameda	1,469.3	1,530.5	1,749.7	1,980.9	2,569.1	2,221.6	2,255.5	2,412.5	2,644.5	2,848.9	2,981.9	3,057.2	4.7%
Alpine	17.4	18.3	20.6	22.2	24.7	26.8	26.7	27.9	28.1	27.6	27.5	26.2	2.6%
Amador	53.9	57.2	67.7	70.6	80.1	101.2	102.7	104.7	108.8	112.7	112.7	112.2	4.7%
Butte	131.2	146.4	159.6	169.9	193.0	193.6	201.4	215.4	234.3	249.6	258.8	268.6	4.6%
Calaveras	85.6	93.9	100.3	107.8	120.8	127.4	131.9	140.3	145.8	150.1	153.0	155.9	3.8%
Colusa	27.0	27.9	29.1	31.4	36.5	36.8	37.9	38.8	40.8	41.8	42.3	44.9	3.2%
Contra Costa	640.7	675.3	754.9	873.0	1,038.7	942.8	997.8	1,072.2	1,176.5	1,250.4	1,319.2	1,374.9	4.9%
Del Norte	68.2	70.5	72.4	73.8	81.4	84.1	84.9	89.4	95.1	99.3	101.5	105.1	2.7%
El Dorado	425.0	449.8	462.1	502.1	541.2	552.2	595.3	611.9	629.4	631.0	608.5	604.3	2.2%
Fresno	596.8	625.1	670.1	715.3	822.3	811.7	861.8	916.2	988.4	1,051.9	1,086.5	1,140.1	4.1%
Glenn	27.0	28.6	31.8	33.8	39.4	39.1	41.4	44.4	47.2	49.0	49.0	49.8	3.9%
Humboldt	189.3	197.6	204.8	212.4	241.4	244.1	248.8	257.8	269.2	281.0	293.8	308.8	3.1%
Imperial	152.1	168.4	185.9	206.1	237.4	240.6	250.3	272.8	285.9	292.5	300.3	312.5	4.6%
Inyo	108.2	113.0	127.4	137.5	150.3	155.7	162.7	171.3	177.6	182.0	191.3	203.6	4.0%
Kern	683.6	715.0	740.5	809.6	893.5	879.0	919.6	986.2	1,076.3	1,149.5	1,194.8	1,238.8	3.8%
Kings	69.7	74.2	81.8	90.0	105.0	107.4	112.0	118.3	126.4	131.6	139.5	145.7	4.7%
Lake	92.2	98.0	105.9	110.5	128.0	137.7	139.9	145.9	152.6	160.2	163.6	164.2	3.7%
Lassen	38.0	40.3	43.3	46.0	51.6	55.1	55.4	56.9	59.1	62.2	64.9	64.9	3.4%
Los Angeles	12,652	12,698	13,913	15,307	17,601	16,645	17,365	18,686	20,393	21,485	22,573	23,086	3.8%
Madera	107.4	119.5	135.5	143.0	163.0	168.7	175.7	186.1	196.2	195.7	200.2	213.9	4.4%
Marin	302.4	351.3	397.2	458.6	550.8	526.8	528.7	627.9	646.7	688.3	732.0	760.9	5.9%
Mariposa	184.4	212.4	194.4	225.1	241.5	269.5	277.0	288.8	291.3	287.2	307.1	311.6	3.3%
Mendocino	208.2	216.9	230.9	250.0	286.1	294.4	294.0	299.5	307.2	316.1	326.1	336.3	3.0%
Merced	114.9	119.7	119.9	128.0	152.7	150.5	160.7	170.3	186.5	197.4	204.8	214.4	4.0%
Modoc	13.3	13.3	14.4	15.3	17.2	17.8	18.7	19.8	20.9	21.7	22.5	23.7	3.7%
Mono	197.6	201.4	209.3	245.0	292.6	328.2	354.9	396.0	420.2	394.3	383.1	367.0	3.9%
Monterey	1,182.5	1,247.1	1,464.4	1,642.0	1,883.6	1,831.7	1,841.0	1,893.1	1,945.0	2,037.7	2,094.3	2,110.1	3.7%
Napa	361.1	411.0	490.4	572.7	633.7	663.4	666.5	736.2	827.8	889.2	975.9	1,029.8	6.8%
Nevada	156.3	159.4	172.9	184.9	217.0	225.5	230.7	239.1	254.3	267.7	278.4	286.6	3.9%

* Annual Change is the average annual percentage change from 1992-2008.

**Humboldt County
Travel Impacts, 1992-2008**

	1992	2003	2004	2005	2006	2007	2008
Total Direct Travel Spending (\$Million)							
Visitor Spending at Destination	186.9	246.9	256.0	267.4	278.8	291.5	306.6
Other Travel*	2.3	1.8	1.7	1.8	2.3	2.3	2.3
Total Direct Spending	189.3	248.8	257.8	269.2	281.0	293.8	308.8
Visitor Spending by Type of Traveler Accommodation (\$Million)							
Hotel, Motel	75.1	105.3	108.2	112.7	119.2	128.8	135.3
Private Campground	18.7	23.6	24.8	25.9	26.4	26.4	28.8
Public Campground	12.4	14.2	15.2	15.9	16.3	16.4	17.9
Private Home	41.5	55.4	57.9	60.9	63.2	64.8	67.2
Vacation Home	8.2	10.6	11.1	11.6	12.0	12.3	12.6
Day Travel	31.0	37.8	38.9	40.4	41.7	42.8	44.7
Spending at Destination	186.9	246.9	256.0	267.4	278.8	291.5	306.6
Visitor Spending by Commodity Purchased (\$Million)							
Accommodations	32.1	44.5	46.2	47.1	50.1	53.9	56.5
Food & Beverage Services	52.8	67.6	69.0	71.3	73.2	76.8	80.9
Food Stores	13.2	17.3	17.8	17.9	17.9	18.4	20.0
Ground Tran. & Motor Fuel	19.7	31.7	38.0	46.0	51.8	55.5	60.9
Arts, Entertainment & Recreation	32.1	41.4	41.3	41.4	41.9	42.8	43.7
Retail Sales	36.7	44.3	43.4	43.5	43.7	43.8	44.3
Air Transportation (visitor only)	0.3	0.2	0.2	0.3	0.3	0.3	0.3
Spending at Destination	186.9	246.9	256.0	267.4	278.8	291.5	306.6
Industry Earnings Generated by Travel Spending (\$Million)							
Accommodations & Food Service	36.4	52.2	53.6	54.4	56.7	60.8	64.3
Arts, Entertainment & Recreation	12.3	15.9	15.9	16.1	16.7	17.6	18.5
Retail**	7.5	9.8	9.9	9.9	10.0	10.3	10.5
Auto Rental & Ground Tran.	a	0.3	0.3	0.3	0.3	0.3	0.4
Air Transportation (visitor only)	0.4	0.3	0.3	0.4	0.3	0.3	0.4
Other Travel*	1.4	1.2	1.1	1.0	1.3	1.3	1.3
Total Direct Earnings	58.0	79.8	81.2	82.0	85.5	90.8	95.3
Industry Employment Generated by Travel Spending (Jobs)							
Accommodations & Food Service	2,650	2,760	2,780	2,730	2,770	2,770	2,790
Arts, Entertainment & Recreation	1,550	1,330	1,590	1,600	1,540	1,530	1,490
Retail**	b	440	420	410	410	410	400
Auto Rental & Ground Tran.	b	10	10	10	10	10	10
Air Transportation (visitor only)	10	10	10	10	10	10	10
Other Travel*	50	50	40	30	40	40	40
Total Direct Employment	4,750	4,590	4,840	4,800	4,780	4,770	4,740
Tax Receipts Generated by Travel Spending (\$Million)							
Local Tax Receipts	3.2	4.6	4.6	4.6	5.0	5.4	5.6
State Tax Receipts	7.6	9.9	10.4	10.9	11.2	11.5	11.9
Total Direct Tax Receipts	10.8	14.6	14.9	15.5	16.1	16.9	17.5

Details may not add to totals due to rounding.

*Other Travel includes resident air travel and travel agencies. **Retail includes gasoline.

Attachment 9

California Transient Occupancy Tax by County

Fiscal Year												
Amounts in \$000												
	*Rate	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Alameda	10.2%	23,050	28,509	35,257	28,505	26,689	25,840	28,045	30,964	34,531	36,425	31,801
Alpine	10.0%	411	486	543	547	549	592	623	615	632	635	521
Amador	8.4%	376	365	471	511	549	597	628	678	703	657	603
Butte	9.7%	1,382	1,543	1,690	1,796	1,785	1,910	2,042	2,289	2,467	2,603	2,507
Calaveras	8.4%	371	491	542	601	691	983	1,051	1,113	1,176	1,223	1,117
Colusa	9.9%	212	260	294	281	290	399	394	405	360	439	430
Contra Costa	9.2%	8,576	10,614	11,940	10,371	9,633	9,372	9,996	10,896	11,918	12,717	10,526
Del Norte	9.4%	619	636	699	745	828	877	985	1,066	1,192	1,208	1,201
El Dorado	10.0%	9,129	9,917	10,087	9,869	10,594	11,102	11,501	12,253	11,775	11,829	9,954
Fresno	11.6%	7,159	6,857	7,808	7,913	8,424	9,110	9,474	10,705	11,620	11,586	10,904
Glenn	9.9%	267	264	293	357	356	393	418	434	435	389	384
Humboldt	9.5%	2,666	2,813	2,987	3,091	3,219	3,511	3,558	3,688	4,118	4,391	4,403
Imperial	9.5%	1,150	1,370	1,380	1,322	1,314	1,483	1,687	1,800	1,956	2,108	1,816
Inyo	12.0%	2,064	2,237	2,268	2,307	2,325	2,536	2,679	3,235	3,505	4,103	4,127
Kern	10.1%	7,620	7,409	7,785	8,144	8,284	8,189	9,218	10,321	11,265	11,110	10,778
Kings	8.5%	469	529	600	725	725	704	741	788	760	1,009	763
Lake	9.1%	730	855	1,039	1,027	1,061	1,049	1,169	1,226	1,335	1,312	1,101
Lassen	10.0%	23	329	383	397	414	405	502	519	589	575	469
Los Angeles	12.2%	206,029	224,057	247,844	218,316	220,056	238,740	287,896	310,245	330,409	356,189	309,040
Madera	9.1%	1,404	1,486	1,606	1,672	1,745	1,841	1,978	2,203	1,989	2,320	2,304
Marin	10.2%	5,891	6,836	7,390	6,295	5,953	5,885	6,202	6,855	7,777	8,296	7,580
Mariposa	10.0%	5,985	6,141	6,808	7,248	7,459	7,831	8,296	8,737	9,310	10,313	9,679
Mendocino	10.0%	4,678	5,138	5,744	5,764	5,488	5,505	5,579	5,823	6,111	6,368	5,976
Merced	9.9%	1,083	1,409	1,256	1,261	1,296	1,580	1,674	1,818	1,808	1,799	1,733
Modoc	7.6%	114	119	127	158	157	165	161	167	162	181	158
Mono	8.7%	5,231	6,096	6,624	7,310	9,544	10,455	11,761	13,253	12,148	13,204	11,773
Monterey	10.3%	34,124	38,542	40,910	37,330	36,666	37,239	39,776	42,248	44,977	45,606	41,437
Napa	12.0%	12,996	14,463	15,772	14,014	14,977	15,653	18,032	20,465	21,940	26,469	24,675
Nevada	10.0%	1,500	1,647	1,765	1,793	1,881	1,775	1,978	2,220	2,456	2,620	2,307

Note: *Rate is the average county rate for the last fiscal year.

Attachment 10

California Transient Occupancy Tax by Jurisdiction

		Fiscal Year										
	* Rate	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Amounts in \$000												
FRESNO COUNTY												
Huron	10.0%	3.1	2.1	1.4	1.8	0.6	0.0	0.0	1.2	1.2	3.7	7.5
Kingsburg	8.0%	39.7	46.9	37.3	38.0	31.7	32.1	43.2	45.3	49.1	45.6	49.5
Reedley	8.0%	40.5	54.8	31.5	41.6	63.0	51.9	49.6	56.9	50.5	55.1	38.0
Sanger	4.0%	8.2	5.9	7.2	4.5	6.3	7.7	6.8	4.3	6.6	6.3	6.5
Selma	6.0%	139.9	144.4	140.8	163.3	169.0	199.0	191.8	219.0	270.7	269.8	216.6
GLENN COUNTY												
Unincorporated	5.0%	3.5	4.8	8.7	9.3	10.4	8.5	5.4	3.7	3.7	3.9	4.7
Orland	10.0%	47.8	43.2	45.0	48.2	50.7	42.4	68.6	58.3	61.9	57.2	50.6
Willows	10.0%	215.6	215.6	239.4	299.1	294.9	341.7	343.6	372.2	369.0	328.1	328.4
HUMBOLDT COUNTY												
Unincorporated	10.0%	677.6	704.0	711.2	748.3	756.4	877.8	913.7	962.7	1,061.8	1,146.1	1,128.2
Arcata	10.0%	502.2	518.5	579.3	596.9	645.0	683.4	730.4	776.3	872.9	892.1	906.0
Eureka	9.0%	1,253.9	1,311.9	1,378.7	1,419.7	1,422.6	1,447.4	1,424.6	1,434.1	1,587.4	1,742.7	1,784.8
Ferndale	8.0%	40.7	60.1	72.6	66.0	81.4	80.8	55.3	68.1	71.0	73.1	82.8
Fortuna	10.0%	183.5	198.3	221.5	232.6	284.2	386.4	393.8	405.3	469.6	473.4	447.3
Rio Dell	8.0%		8.4	8.7	9.4	8.9	9.1	8.8	9.6	11.0	10.2	10.0
Trinidad	8.0%	7.7	12.3	14.8	17.6	20.7	26.3	30.9	31.6	44.7	53.8	44.3
IMPERIAL COUNTY												
Unincorporated	8.0%	67.8	78.2	75.1	72.6	64.0	63.9	16.1	34.6	26.7	8.0	3.2
Brawley	8.0%	140.7	168.6	166.1	185.7	189.2	157.4	182.9	194.0	224.3	234.0	265.2
Calxico	10.0%	187.9	253.3	228.0	190.1	145.2	196.9	251.0	238.1	356.2	320.1	277.1
Calipatria	8.0%	19.5	34.4	13.7	30.9	43.7	29.8	29.3	31.2	32.9	40.4	28.3
El Centro	10.0%	662.7	767.6	347.1	791.5	849.3	998.4	1,166.4	1,280.7	1,297.9	1,471.6	1,199.0
Holtville	4.0%	1.6	1.5	1.8	1.1	1.7	1.0	1.7	1.7	1.7	1.0	1.3
Imperial	8.0%	69.4	66.1	47.6	49.9	21.1	36.1	40.0	19.7	16.0	32.6	21.9
INYO COUNTY												
Unincorporated	12.0%	1,271.8	1,329.8	1,310.7	1,305.6	1,252.4	1,318.6	1,434.4	1,516.7	1,966.1	2,300.9	2,425.3
Bishop	12.0%	792.4	907.0	957.3	1,001.5	1,072.2	1,217.5	1,244.4	1,718.3	1,538.8	1,802.1	1,702.2

This information has been provided to Dean Remy Associates, Inc. by the California State Controller's Office, various taxing jurisdictions and visitor associations. The tax year usually corresponds to a fiscal year ending June 30. Periodic updates of this report can be found at www.deanrummy.com. *Current Rate corresponds to the rate in effect at the end of the last fiscal year. Many tax rates have changed over the reported time period. Some jurisdictions have variable rates.

Transient Occupancy Tax Collections for FYE 6/30/10.

<u>City Name</u>	12 months FYE 6/30/08	12 months FYE 6/30/09	12 months FYE 6/30/10	\$ Increase	%
<u>Increase</u>					
Arcata	892,051	833,304	870,708	37,404	4.5%
Eureka	1,742,728	1,784,796	2,032,584	247,788	13.88%
Ferndale	73,130	82,782	75,038	-7,744	-9.35%
Fortuna	473,376	447,347	443,975	-3,372	-0.75%
Rio Dell	10,156	9,978	10,414	436	4.37%
Trinidad	53,751	44,322	69,758	25,436	57.39%
Humb. Cnty., un-incorp.	1,146,103	1,128,164	1,093,382	-34,782	-3.08%
TOTALS	4,391,295	4,330,693	4,595,859	265,166	6.12%
	+ 272,960	-60,602			
	+ 6.6%	-1.38%			

Tony Smithers, Executive Director
Humboldt County Convention & Visitors Bureau
707-444-6635
tony@redwoods.info

AGENDA SUMMARY**RE: MEDICAL CANNABIS RFQ STATUS REPORT****FOR AGENDA DATE: JANUARY 4, 2011**
AGENDA ITEM NO.:

14

RECOMMENDATION:

1. Receive report from the Community Development Department
2. Provide Direction regarding Medical Cannabis RFQ Review Committee

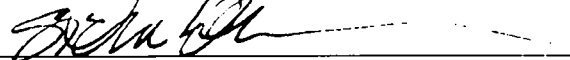
SUMMARY:

On December 21, 2010, the City Council received a verbal report from former Councilmember Jeff Leonard on the status of the Medical Cannabis RFQ process. At the conclusion of Mr. Leonard's report, the City Council directed that the issue be placed on their January 4, 2011, agenda to provide opportunity for the Council to consider and provide direction to Staff on the RFQ process, including (but not limited to) consideration of the members of the Selection Committee, selection criteria, and the process proposed for selecting persons, collectives or cooperatives who will be invited to submit an application for a Conditional Use Permit.

The purpose and intent of the Medical Cannabis Ordinance is to regulate as a land use the cultivation, processing and distribution of medical cannabis within city limits. Establishment of a Medical Cannabis cultivation, processing and/or distribution facility requires a Conditional Use Permit and the Ordinance sets limits on the maximum number of Conditional Use Permits that can be granted.

ATTACHMENTS:

Attachment 1 Medical Cannabis RFQ Response Submittals

*Continued page 2***FISCAL IMPACT:** Staff time and materials to carry out Council directions.**DEPARTMENT HEAD SIGNATURE:**

Sidnie L. Olson
Director of Community Development

CITY MANAGER SIGNATURE:

David W. Tyson
City Manager

REVIEWED BY:

Assistant City Manager

DATE:

12/27/10

INITIALS:

MK

Council Action:

Ordinance No. _____

Resolution No. _____

SUMMARY (continued):

The Medical Cannabis Ordinance limits the total number of Conditional Use Permits that can be granted to six. Four of the Conditional Use Permits will allow a facility that cultivates and processes medical cannabis within the city, and then distributes that medical cannabis from a maximum of two locations within the city. Two of the Conditional Use Permits will allow a facility to distribute from a single location medical cannabis not cultivated and processed within the city.

In order to determine which persons, collectives or cooperatives would be invited to submit a Conditional Use Permit application, an RFQ (Request for Qualifications) was issued to request the submittal of a business plan and qualifications from interested persons, collectives and cooperatives. Upon close of the submittal period 25 responses to the RFQ had been received. A list of the persons, collectives or cooperatives that submitted a business plan and qualifications is included herein as Attachment 1. Because the submittals contain proprietary information they are not Public Record subject to public inspection.

Initially Staff had proposed that a five member Medical Cannabis Selection Committee be appointed to review the responses to the RFQ and rank them based on business experience, business plan, and ability to operate a clean, professional and safe facility. The City Council ended up appointing a three member Medical Cannabis Selection Committee comprised of two Council members (former Council members Glass and Leonard) and a public participant (Paul Hagan). The Selection Committee had several meetings with the Director of Community Development and the City Manager to review and modify the draft RFQ prepared by the Director. The RFQ was then circulated to those persons, collectives or cooperatives who had previously requested it and the RFQ was posted on the City's website. The RFQ was issued on October 19, 2010, and the deadline to submit a business plan and qualifications was December 17, 2010.

The process from here as outlined in the RFQ is that the Selection Committee will evaluate each submittal to determine if it meets the minimum requirements of the RFQ. The Selection Committee may choose to meet with some or all of the persons, collectives or cooperatives that submitted a business plan and qualifications and/or the Selection Committee may choose to ask for additional information to clarify, supplement or modify certain aspects of a person's, collective's, or cooperative's submittal. After the Selection Committee has reviewed and ranked the submittals, the Selection Committee will provide a report to the City Council listing the names of up to six persons, collectives or cooperatives that the Committee recommends the City Council invite to submit an application for a Conditional Use Permit.

A Conditional Use Permit is a discretionary permit acted upon by the Planning Commission appealable to the City Council. As stated in the RFQ an invitation by the City Council to a person, collective or cooperative to submit an application for a Conditional Use Permit in no way guarantees or implies approval of the Conditional Use Permit. The findings that the Planning

Commission must make in order to grant the Conditional Use Permit are specified in the Medical Cannabis Ordinance.

Notwithstanding the process outlined above, the City Council could direct Staff to make changes to the process including, but not limited to:

1. The Council could appoint new members to the Selection Committee.
If the City Council chooses to appoint some or all new members, Staff recommends that Selection Committee membership include one Councilmember, one person who has extensive business experience, and one person who has familiarity with the issues surrounding the Medical Cannabis industry but who is not affiliated with any of the persons, collectives or cooperatives who submitted a business plan and qualifications.
2. The Council could increase or decrease the number of members of the Selection Committee.
At this time, Staff has four copies of each submittal, one for Staff and one each for the three Selection Committee members, therefore, if the Council increases the number of Selection Committee members Staff will need to contact the respondents to request an appropriate number of additional copies of their submittals.
3. The Council could modify the ranking criteria.
It is not recommended that the City Council alter the ranking criteria that was listed in the RFQ (i.e., qualifications; business experience; business plan; and, ability to operate a clean, professional and safe facility) the Council could, however, identify what specifically the Selection Committee should be looking for and/or what level of importance should be placed on each of the criteria.
4. The Council could direct Staff to process modifications to the adopted Medical Cannabis Ordinance.
Modifications might include changing the number of Conditional Use Permits that could be granted or eliminating the limitation on the number of Conditional Use Permits entirely.

THE FUTURE

Because of the limited number of Conditional Use Permits available for establishing and operating a Medical Cannabis facility within the city, it is fully expected that at some point in the future one or all of the six Conditional Use Permits will be relinquished and available for other persons, collectives or cooperatives who desire to operate a Medical Cannabis facility. Staff envisions that as Conditional Use Permits are relinquished and become available that a similar RFQ process will be conducted to rank and recommend to the City Council the person, collective or cooperative that should be invited by the City Council to submit an application for the available Conditional Use Permit.

ATTACHMENT 1

**Medical Cannabis RFQ Response Submittals
December 17, 2010**

CULTIVATION, PRODUCTION/DISTRIBUTION

- 1 Compassionate Care of Eureka
- 2 Emerald Reserve
- 3 Eureka Wellness Center
- 4 Genesis 1:12
- 5 Green Earth Wellness
- 6 Humboldt Green Research
- 7 Humboldt Harvest LLC
- 8 Humboldt Patient Resource Center
- 9 Hummingbird Healing Center
- 10 Med Care Collective
- 11 Natural Green Health Center
- 12 Ocean City Animal League (Grandmom Rose's Health Center)
- 13 Richard Brown
- 14 The Humboldt Community Cooperative (THCC)
- 15 Three Little Birds Collective

DISTRIBUTION ONLY

- 1 Canna Lab Collectives
- 2 Common Roots Collective
- 3 Eureka Collective
- 4 Going Green
- 5 Green Neighbor Collective
- 6 Humboldt Bay Wellness (707 Cannabis College)
- 7 Hummingbird Healing Center
- 8 North Coast Auction
- 9 Redwood Coast Relief Center
- 10 Tea House Collective

**CITY OF EUREKA
CITY COUNCIL/
REDEVELOPMENT AGENCY
AGENDA**

Marian Brady	1 st Ward
Linda Atkins	2 nd Ward
Mike Newman	3 rd Ward
Vacant	4 th Ward
Lance Madsen	5 th Ward



Frank Jäger, Mayor

**REGULAR MEETING
TUESDAY, JANUARY 4, 2011
CLOSED SESSION 5:00 P.M.
REGULAR SESSION 6:00 P.M.
COUNCIL CHAMBER
531 K STREET
EUREKA, CA 95501**

David Tyson, City Manager
Pam Powell, City Clerk
William Bragg, Interim City Attorney

CLOSED SESSION

If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.

A. PUBLIC COMMENT PERIOD

(Limited to 3 minutes each speaker on closed session agenda items only)

B. Conference with legal counsel – Existing litigation Owsley v. City of Eureka, et al
(Humboldt Co. Superior Court No. DR091019)

Pursuant to California Government Code Section 54956.9(a)

C. Public Employment – City Manager

Pursuant to California Government Code Section 54957

D. Conference with legal counsel-anticipated litigation

Significant exposure to litigation: two cases.

Pursuant to California Government Code Section 54956.9(b)

REGULAR SESSION – 6:00 P.M.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

MAYOR'S ANNOUNCEMENTS

COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

BOARD/COMMISSION REPORTS

PUBLIC HEARINGS

Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.

1. Public Hearing – Transfer of Abandoned Utility Easements to the City of Arcata
Recommendation:
 1. Hold a public hearing.
 2. Determine the Easements to be surplus; and
 3. Determine that assigning the Easements will have a cost-neutral or positive financial benefit to the City; and
 4. Direct the Mayor and City Manager to transfer the City's interest in a portion of two utility easements to the City of Arcata by signing the Full Assignment of Recorded Easements.

(City Engineer)

PUBLIC COMMENT PERIOD

This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.

Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

2. Is there any person in the audience who wishes to address the Council at this time?

CONSENT CALENDAR

Notice to the Public: *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.*

3. Council meeting minutes.
Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of November 2, 2010 and the special Council/Redevelopment Agency Board meeting minutes of November 4, 2010 as submitted.

(City Clerk)

4. Weider, Liberty
Recommendation: Reject the claim for damages.
(City Attorney)
5. Reservoir Maintenance Project Phase 3 Roof Structure Recoating Professional Services Agreement
Recommendation: Authorize staff to execute a professional services agreement with DB Gaya Consulting LLC for Protective Coating Inspection Services for the Reservoir Maintenance Project Phase 3 – Roof Structure Recoating, in an amount not to exceed \$50,000.
(City Engineer)
6. Elk River Bio-solids Project
Recommendation:
 1. Award Bid No. 2011-08 to lowest responsive bidder, Synagro Technologies Inc., in an amount not to exceed \$213,031; and
 2. Approve a contingency in the amount of \$1,900 for laboratory analysis if necessary.
(Public Works Director)
7. C Street Repair
Recommendation:
 1. Authorize payment of \$27,866 to RAO Construction Company for the C Street Repair; and
 2. Appropriate Proposition 42 funding in the amount \$27,866 for the C Street Repair.
(City Engineer)
8. New Directions - NCRC
Recommendation:
 1. Authorize the City Manager to execute an Agreement with the North Coast Resource Center for the Work Plan for the Humboldt Bay Public Access Enhancement Project; and
 2. Appropriate \$17,700 from General Fund Reserves to fund the proposed program.
(City Manager)
9. Elk River Access/Iksori Trail Project. Consolidate Coastal Permit Authority With Coastal Commission
Recommendation: Adopt a Resolution of the City Council of the City of Eureka consenting to the Consolidation of Coastal Permitting Action with the California Coastal Commission for the Elk River Access/Iksori Trail Project, and Delegating to the Director of Community Development Authority to consent to future Coastal Permit Consolidations.
(Community Development Director)

ORDINANCES/RESOLUTIONS

10. 2010 California Fire Code

Recommendation: 1. Waive reading, read by title only, and introduce Bill No. 833-C.S., an ordinance amending Title 9, Chapter 92, Adoption of the California Fire and Life Safety Code, repealing Sections 92.01 through 92.06 and replacing with new sections 92.01 through 92.06, adopting by reference the 2010 California Fire Code and related model codes and appendices and amendments; and
2. Adopt Resolutions of the City Council of the City of Eureka setting forth express findings that amendments to the fire code contained in the California Code of Regulations (CCR), Title 24, Part 9 are necessary because of local climatic, geological or topographical conditions.
(Interim Fire Chief)

11. 2010 California Building Standards Code

Recommendation: Waive reading, read by title only and adopt Bill No. 832-C.S. an ordinance amending Title XV, Chapter 150, Building Regulations, repealing Sections 150.015 through 150.025 and replacing with new sections 150.015 through 150.029, adopting by reference the 2010 editions of the California Building Standards Code and related model codes with appendices and amendments.
(Assistant City Manager)

12. State Video Service Franchises Ordinance (also "DIVCA Ordinance")

Recommendation: Waive reading, read by title only, and adopt Bill No. 831-C.S. adding Sections 114.57-114.64 (STATE VIDEO SERVICE FRANCHISES) to Chapter 114 of Title XI of the Eureka Municipal Code, which implements the provisions of the Digital Infrastructure and Video Completion Act of 2006, codified in
(City Manager)

REPORTS/ACTION ITEMS

13. The Greater Eureka Chamber of Commerce Funding Agreement

Recommendation: Pursuant to Sections 10 & 11 of the Funding Agreement between the City of Eureka and the Greater Eureka Chamber of Commerce (Chamber), it is recommended that Council authorize the City Manager to:
1. Notify the Chamber of the City's desire to extend our "Funding Agreement" for an additional year, effective January 1, 2011; and

2. Authorize payment for approved expenditures made in accordance with the Chamber's Comprehensive Marketing plan and annual budget in an amount equal to approximately 7.5% of the City's Transient Occupancy Tax (TOT) and not to exceed \$100,000 per the City's approved budget.
(City Manager)

14. Medical Cannabis RFQ Status Report

- Recommendation:
1. Receive Report; and
 2. Provide direction regarding Medical Cannabis RFQ Review Committee.
- (Community Development Director)

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS

ADJOURNMENT

If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.

NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at www.ci.eureka.ca.gov.
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
 1. We may disagree, but we will be respectful of one another.
 2. All comments will be directed to the issue at hand.
 3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at www.accesshumboldt.net – Search archives “Eureka City Council Meetings”.
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail ppowell@ci.eureka.ca.gov or contact the City Clerk's office at (707) 441-4175.

**CITY OF EUREKA
CITY COUNCIL/
REDEVELOPMENT AGENCY
AGENDA**

Marian Brady	1 st Ward
Linda Atkins	2 nd Ward
Mike Newman	3 rd Ward
Vacant	4 th Ward
Lance Madsen	5 th Ward



Frank Jäger, Mayor

**REGULAR MEETING
TUESDAY, JANUARY 4, 2011
CLOSED SESSION 5:00 P.M.
REGULAR SESSION 6:00 P.M.
COUNCIL CHAMBER
531 K STREET
EUREKA, CA 95501**

David Tyson, City Manager
Pam Powell, City Clerk
William Bragg, Interim City Attorney

CLOSED SESSION

If closed session items cannot be completed by 5:55 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the next regular meeting.

A. PUBLIC COMMENT PERIOD

(Limited to 3 minutes each speaker on closed session agenda items only)

B. Conference with legal counsel – Existing litigation Owsley v. City of Eureka, et al
(Humboldt Co. Superior Court No. DR091019)

Pursuant to California Government Code Section 54956.9(a)

C. Public Employment – City Manager

Pursuant to California Government Code Section 54957

D. Conference with legal counsel-anticipated litigation

Significant exposure to litigation: two cases.

Pursuant to California Government Code Section 54956.9(b)

REGULAR SESSION – 6:00 P.M.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

MAYOR'S ANNOUNCEMENTS

COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

BOARD/COMMISSION REPORTS

PUBLIC HEARINGS

Public Hearings are scheduled for a time certain of 6:00 P.M. unless noticed otherwise, or as soon thereafter as possible.

1. Public Hearing – Transfer of Abandoned Utility Easements to the City of Arcata
Recommendation:
 1. Hold a public hearing.
 2. Determine the Easements to be surplus; and
 3. Determine that assigning the Easements will have a cost-neutral or positive financial benefit to the City; and
 4. Direct the Mayor and City Manager to transfer the City's interest in a portion of two utility easements to the City of Arcata by signing the Full Assignment of Recorded Easements.

(City Engineer)

PUBLIC COMMENT PERIOD

This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.

Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

2. Is there any person in the audience who wishes to address the Council at this time?

CONSENT CALENDAR

Notice to the Public: *All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.*

3. Council meeting minutes.
Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of November 2, 2010 and the special Council/Redevelopment Agency Board meeting minutes of November 4, 2010 as submitted.

(City Clerk)

4. Weider, Liberty
Recommendation: Reject the claim for damages.
(City Attorney)
5. Reservoir Maintenance Project Phase 3 Roof Structure Recoating Professional Services Agreement
Recommendation: Authorize staff to execute a professional services agreement with DB Gaya Consulting LLC for Protective Coating Inspection Services for the Reservoir Maintenance Project Phase 3 – Roof Structure Recoating, in an amount not to exceed \$50,000.
(City Engineer)
6. Elk River Bio-solids Project
Recommendation:
 1. Award Bid No. 2011-08 to lowest responsive bidder, Synagro Technologies Inc., in an amount not to exceed \$213,031; and
 2. Approve a contingency in the amount of \$1,900 for laboratory analysis if necessary.
(Public Works Director)
7. C Street Repair
Recommendation:
 1. Authorize payment of \$27,866 to RAO Construction Company for the C Street Repair; and
 2. Appropriate Proposition 42 funding in the amount \$27,866 for the C Street Repair.
(City Engineer)
8. New Directions - NCRC
Recommendation:
 1. Authorize the City Manager to execute an Agreement with the North Coast Resource Center for the Work Plan for the Humboldt Bay Public Access Enhancement Project; and
 2. Appropriate \$17,700 from General Fund Reserves to fund the proposed program.
(City Manager)
9. Elk River Access/Iksori Trail Project. Consolidate Coastal Permit Authority With Coastal Commission
Recommendation: Adopt a Resolution of the City Council of the City of Eureka consenting to the Consolidation of Coastal Permitting Action with the California Coastal Commission for the Elk River Access/Iksori Trail Project, and Delegating to the Director of Community Development Authority to consent to future Coastal Permit Consolidations.
(Community Development Director)

ORDINANCES/RESOLUTIONS

10. 2010 California Fire Code

Recommendation: 1. Waive reading, read by title only, and introduce Bill No. 833-C.S., an ordinance amending Title 9, Chapter 92, Adoption of the California Fire and Life Safety Code, repealing Sections 92.01 through 92.06 and replacing with new sections 92.01 through 92.06, adopting by reference the 2010 California Fire Code and related model codes and appendices and amendments; and
2. Adopt Resolutions of the City Council of the City of Eureka setting forth express findings that amendments to the fire code contained in the California Code of Regulations (CCR), Title 24, Part 9 are necessary because of local climatic, geological or topographical conditions.
(Interim Fire Chief)

11. 2010 California Building Standards Code

Recommendation: Waive reading, read by title only and adopt Bill No. 832-C.S. an ordinance amending Title XV, Chapter 150, Building Regulations, repealing Sections 150.015 through 150.025 and replacing with new sections 150.015 through 150.029, adopting by reference the 2010 editions of the California Building Standards Code and related model codes with appendices and amendments.
(Assistant City Manager)

12. State Video Service Franchises Ordinance (also "DIVCA Ordinance")

Recommendation: Waive reading, read by title only, and adopt Bill No. 831-C.S. adding Sections 114.57-114.64 (STATE VIDEO SERVICE FRANCHISES) to Chapter 114 of Title XI of the Eureka Municipal Code, which implements the provisions of the Digital Infrastructure and Video Completion Act of 2006, codified in
(City Manager)

REPORTS/ACTION ITEMS

13. The Greater Eureka Chamber of Commerce Funding Agreement

Recommendation: Pursuant to Sections 10 & 11 of the Funding Agreement between the City of Eureka and the Greater Eureka Chamber of Commerce (Chamber), it is recommended that Council authorize the City Manager to:
1. Notify the Chamber of the City's desire to extend our "Funding Agreement" for an additional year, effective January 1, 2011; and

2. Authorize payment for approved expenditures made in accordance with the Chamber's Comprehensive Marketing plan and annual budget in an amount equal to approximately 7.5% of the City's Transient Occupancy Tax (TOT) and not to exceed \$100,000 per the City's approved budget.
(City Manager)

14. Medical Cannabis RFQ Status Report

- Recommendation:
1. Receive Report; and
 2. Provide direction regarding Medical Cannabis RFQ Review Committee.
- (Community Development Director)

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS

ADJOURNMENT

If open session items cannot be completed by 9:30 P.M., the meeting may be adjourned to the next regular meeting or Council may vote to extend the meeting.

NOTICES

- The City Council agenda and supporting documents are available for public review on the Friday afternoon prior to the Tuesday meeting at the City Clerk's Office, the Eureka Humboldt County Library and on-line at www.ci.eureka.ca.gov.
- The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon the request and consensus of the Mayor and Council.
- Any writing that is a public record not exempt from public disclosure and relating to an agenda item for open session of the City Council is available for public inspection at the Office of the City Clerk, 531 K Street, Room 207, Eureka, CA 95501.
- The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 72 hours in advance of the meeting. This agenda and other materials are available in alternate formats upon request.
- All persons in attendance at public meetings are requested to observe the following rules of civil debate:
 1. We may disagree, but we will be respectful of one another.
 2. All comments will be directed to the issue at hand.
 3. Personal attacks are unacceptable.

Applauding or other displays of approval/disapproval are discouraged.

- Regular City Council/Redevelopment Agency meetings are broadcast live by Humboldt Access on Cable Channel 10. Council meetings can also be viewed on line at www.accesshumboldt.net – Search archives "Eureka City Council Meetings".
- To minimize distractions, please be sure all personal communication devices are turned off or on silent mode.

Questions? Please e-mail ppowell@ci.eureka.ca.gov or contact the City Clerk's office at (707) 441-4175.

AGENDA SUMMARY

**RE: AUTHORIZE TRANSFER OF
ABANDONED UTILITY EASEMENTS TO THE
CITY OF ARCATA**

FOR AGENDA DATE: JAN. 4, 2011

AGENDA ITEM No.: /

RECOMMENDATION:

- 1) Council hold a Public Hearing;
- 2) Council determine the Easements to be surplus;
- 3) Council determine that assigning the Easements will have a cost-neutral or positive financial benefit to the City;
- 4) Council direct the Mayor and City Manager to transfer the City's interest in a portion of two utility easements to the City of Arcata by signing the attached FULL ASSIGNMENT OF RECORDED EASEMENTS.

SUMMARY:

Prior to the year 1937, household water service was delivered to City of Eureka water customers from a series of ground well sources located in and around the city. Because ground wells are vulnerable to contamination and drought, this method of water service was eventually deemed unfavorable. In June 1937 – in an effort to improve water quality and reliability – the City of Eureka obtained utility easements running from the Mad River, through the City of Arcata. Water transmission mains were installed in these easements, thus enabling the City of Eureka to deliver water from the Sweasey Dam to its customers in Eureka. This infrastructure served residents of the City of Eureka adequately for the better part of 20 years.

Then in 1956, the Humboldt Bay Municipal Water District (“HBMWD”) formed and began acquiring its own utility easements and pipelines, in order to deliver water to the greater Humboldt Bay region. Today, the HBMWD supplies water to all customers living in the City of Eureka as well as other municipalities and service districts, and intends to do so for the foreseeable future.

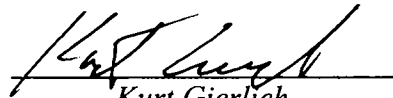
Continued on next page...

Prepared by Gary Boughton, Deputy City Engineer

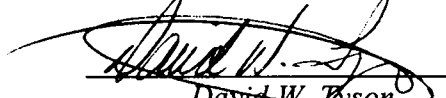
FISCAL IMPACT:

None with this action.

CITY ENGINEER SIGNATURE:


Kurt Gierlich
City Engineer

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

Risk Manager
City Attorney
Public Works

DATE:

12/29/10

INITIALS:

BTJ

Council Action:

Ordinance No. _____

Resolution No. _____

EUREKA CITY COUNCIL
AGENDA SUMMARY

RE: AUTHORIZE TRANSFER OF ABANDONED UTILITY EASEMENTS TO THE CITY OF ARCATA	FOR AGENDA DATE: JAN. 4, 2011 AGENDA ITEM No.: <i>Page 2</i>
--	--

SUMMARY *(continued)*

The City of Eureka has relocated portions of its Mad River Transmission Pipeline in the City of Arcata, therefore, has no further need for some of the utility easements acquired in 1937.

The City of Arcata has a water distribution main within a portion of the City of Eureka's easements. Without the use of the City of Eureka's easement the City of Arcata would have to acquire their own waterline easement.

Staff believes the best use of those easements in which the City of Arcata has water distribution mains, would be to convey them to the City of Arcata. This determination is made on the basis that the City of Eureka has relocated portions of its Mad River Pipeline, thus rendering some of the easements obsolete; and furthermore, the City of Eureka faces exposure to legal liability so long as its interest in the easements continues.

The contemplated conveyance to the City of Arcata would, if authorized by the City Council, accomplish two objectives: 1) Deliver title and interest to the City of Arcata in easements for which the City of Eureka has no further use or purpose; and 2) relieve the City of Eureka of any further legal liability stemming from title thereto.

Therefore, staff recommends:

- 1) Council hold a Public Hearing;
- 2) Council determine the Easements to be surplus;
- 3) Council determine that assigning the Easements will have a cost-neutral or positive financial benefit to the City;
- 4) Council direct the Mayor and City Manager to transfer the City's interest in a portion of two utility easements to the City of Arcata by signing the attached FULL ASSIGNMENT OF RECORDED EASEMENTS.

ATTACHMENTS:

Attachment 1: Resolution 2011-

**Attachment 2: Full Assignment of a Portion of Recorded Easement (Ramos),
and Full Assignment of a Portion of Recorded Easement (Bixler)**

Attachment No. 1

RESOLUTION NO. 2011-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA
ASSIGNING PORTIONS OF CERTAIN MAD RIVER WATER PIPELINE EASEMENTS
IN THE CITY OF ARCATA TO THE CITY OF ARCATA**

WHEREAS, the City of Eureka has relocated portions of its Mad River Water Transmission Pipelines in the City of Arcata; and

WHEREAS, the City of Eureka no longer has any need for some of the original water pipeline easements; and

WHEREAS, the City of Eureka planned to vacate those original water pipeline easements and provided notice to the affected property owners of the City of Eureka's intent to vacate some of the original water pipeline easements, and

WHEREAS, during the notification process, the City of Arcata indicated it also has a water distribution main in a portion of the City of Eureka's easement; and

WHEREAS, the City of Arcata's water distribution main serves the citizens of the City of Arcata; and

WHEREAS, the City of Arcata requested the City of Eureka not vacate a portion of its easements, but transfer that portion of the City of Eureka's original water pipeline easements to the City of Arcata for use by the City of Arcata; and

WHEREAS, the City of Eureka finds that said transfer can be accomplished by the full assignment of the City of Eureka's easements to the City of Arcata.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, portions of the original Mad River Water Pipeline easements are no longer needed by the City of Eureka and the mayor and city manager are hereby directed to execute those documents necessary to transfer or assign said easements to the City of Arcata to serve the citizens of the City of Arcata with water.

RESOLUTION NO. 2011-
Page 2

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt,
State of California, on the _____ day of _____, 2011 by the following vote:

AYES:	COUNCILMEMBERS
NOES:	COUNCILMEMBERS
ABSENT:	COUNCILMEMBERS
ABSTAIN:	COUNCILMEMBERS

Frank Jäger, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

David W. Tyson, City Manager

William Bragg, Interim City Attorney

Attachment 2

Recording Requested by and for the Benefit of:
per Government Code 27383

City of Arcata
Department of Public Works
736 "F" Street
Arcata, CA 95521

And when recorded mail to the above.

Affects APN's 503-381-022, -024, -036, -037, -041, -042, -051
and APN 503-371-022

FULL ASSIGNMENT OF PORTIONS OF RECORDED EASEMENTS

THE CITY OF EUREKA, for valuable consideration, receipt of which is hereby acknowledged, and pursuant to the authority granted under **CITY OF EUREKA** Resolution no. 2011- , does hereby assign, transfer, and convey to the **CITY OF ARCATA**, a municipal corporation of the State of California, all of its right, title and interest in and to portions of that certain GRANT OF RIGHT OF WAY granted to the **CITY OF EUREKA** by Mary Ramos, a widow, recorded June 11, 1937, in Book 229 of Deeds, Page 269 of Official Records of Humboldt County, California, and to portions of that certain GRANT OF RIGHT OF WAY granted to the **CITY OF EUREKA** by J.C. and Helen Bixler, husband and wife, recorded June 17, 1937, in Book 229 of Deeds, Page 332 of Official Records of Humboldt County, California,

The right hereby assigned, transferred and conveyed is a permanent and perpetual easement for the construction, reconstruction, and/or maintenance and operation of water pipe lines and other appurtenances, together with all necessary rights of ingress and egress to said easement in connection with the exercise of any said rights over, under and across those real properties described in Exhibit "A" and as shown on Exhibit "B", both attached hereto and made a part hereof.

IN WITNESS WHEREOF, the **CITY OF EUREKA** has caused this Full Assignment of Portions of Recorded Easements to be executed this _____ day of _____, 20__.

By _____
David W. Tyson, City Manager of the City of Eureka

State of California
County of Humboldt

On _____ before me, _____ (here insert name and title of officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

By _____
Frank Jäger, Mayor of the City of Eureka

State of California
County of Humboldt

On _____ before me, _____ (here insert name and title of officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

APPROVED AS TO FORM:

By: _____
William R. Bragg, Interim City Attorney of the City of Eureka

CERTIFICATE OF ACCEPTANCE

(Government Code Section 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the within instrument to the **CITY OF ARCATA**, California, a municipal corporation, is hereby accepted by the undersigned officer on behalf of the City Council of said City pursuant to the authority conferred by Resolution No. _____ of said City Council adopted _____, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

CITY OF ARCATA

Randy Mendosa, City Manager of the City of Arcata

State of California
County of Humboldt

On _____ before me, _____ (here insert name and title of officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

APPROVED AS TO FORM:

Nancy Diamond, City Attorney of the City of Arcata

EXHIBIT "A"

**EASEMENT TO BE ASSIGNED
TO THE CITY OF ARCATA
(MACK ROAD SECTION)**

**A PORTION OF THE 30 FOOT WIDE WATER LINE EASEMENT GRANTED TO
THE CITY OF EUREKA IN BOOK 229 OF DEEDS, PAGE 269;
BOOK 229 OF DEEDS, PAGE 322**

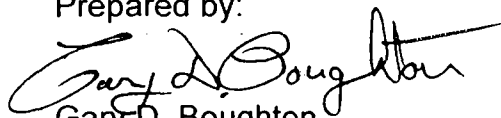
All that real property situated in the County of Humboldt, State of California, lying within Section 21, Township 6 North, Range 1 East, Humboldt Baseline and Meridian, more particularly described as follows:

That portion of the 30 foot wide right of way described in the Grant of Right of Way recorded in Book 229 of Deeds, Page 269, originally granted by Mary Ramos, a widow, recorded June 11, 1937; in Book 229 of Deeds, Page 322 originally granted by J.C. and Helen Bixler, husband and wife, recorded June 17, 1937; said portion lying 15 feet on each side of the following described centerline:

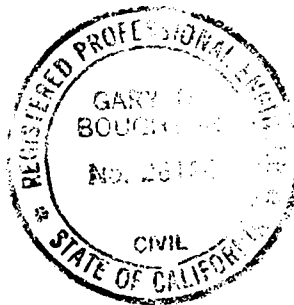
Beginning at Station 17+91.29, formerly Station 553+00, as per the Stationing shown on Book 63 of Surveys, Pages 74 to 94, said point being South 17 degrees 50 minutes 00 seconds West 136.85 feet from the Access Vault at Station 16+54.44 shown thereon;

Thence along the centerline shown on said Survey South 17 degrees 50 minutes 00 seconds West, 368.69 feet, more or less, to the North Line of Hidden Creek Road per Book 18 of Maps, Page 3, Humboldt County Records.

Prepared by:



Gary D. Boughton
License No. C26124
Renewal Date 3-31-2012
Dated 12-2-10



END OF DESCRIPTION

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

November 4, 2010

The City Council/Redevelopment Agency of the City of Eureka met in SPECIAL Session on the above date, 6:00 P.M. Open Session, at Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

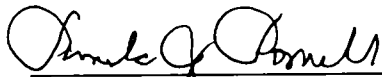
PRESIDING: LEONARD

PRESENT: ATKINS, JÄGER

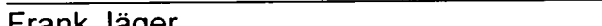
ABSENT: BASS, GLASS, JONES

MINUTES PREPARED BY:

COUNCIL APPROVAL ACKNOWLEDGED:



Pamela J. Powell
City Clerk


Frank Jäger
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 4, 2010

SUBJECT: Appointment of Presiding Officer

ACTION:

Council approved Councilmember Jeff Leonard as the presiding officer for the Special Meeting due to the absence of both Mayor Bass and Mayor Pro-Tem Jones.

On a motion by Councilmember Jager and a second by Councilmember Atkins and the following vote:

AYES: Atkins, Leonard, Jager
NOES: NONE
ABSENT: Glass, Jones
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on November
28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item N/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 4, 2010

SUBJECT: Resolution of Intent to Approve Cal PERS Contract Amendment

ACTION:

Personnel Director, Gary Bird provided a report. No one from the public addressed the Council regarding this matter.

Council approved Resolution No. 2010-73 of intention to approve an amendment to contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Eureka.

Adopted on a motion by Councilmember Jager and seconded by Councilmember Atkins, and the following vote:

AYES: ATKINS, LEONARD, JAGER
NOES: GLASS, JONES
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on November
28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Personnel

Agenda Item 1

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 4, 2010

SUBJECT: Amend Resolution No. 2010-64

ACTION:

Personnel Director, Gary Bird provided a report. No one from the public addressed the Council on this matter.


Council amended Resolution No. 2010-64 and adopted Resolution No. 2010-72 to Grand Another Designated Window Period for Two Years Additional Service Credit.

AYES: ATKINS, LEONARD, JAGER
NOES: GLASS, JONES
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on November
28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Personnel

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 4, 2010.

SUBJECT: ADJOURNMENT

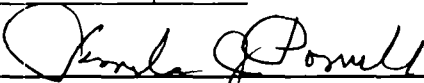
ACTION:

On motion by Councilmember, Atkins seconded by Councilmember Jager , and without objection, the meeting was adjourned to closed session at 4:13 P.M.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, Interim City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed the seal of the City of Eureka on
November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item

AGENDA PACKETS DISTRIBUTION LIST Revised December 30, 2010

A. 23 Full Packets Agenda, Summaries and Staff Reports

9 With Confidential
+14 Without confidential
23 Full Packets

B. 6 Agenda + Summaries No Staff Reports included

C. 30 Agendas (more on request)

Distribution:

A. Full Packets: 9	Mayor	(Place in binder)
(with confidential material)	5 Council	(Place in binders)
	City Clerk	(Place in binder)
	City Attorney	(Hand deliver)
	City Manager	(Hand deliver)

A. Full Packets: 14	Assistant City Manager	(Place in mailbox)
(without confidential material)	Community Dev. Director	(Place in mailbox)
	David McDavid	(Place in box w/ECEA)
	ECEA	(Place in mailbox)
	Engineering	(Place in mailbox)
	Finance Director	(Place in mailbox)
	Fire Chief	(Place in mailbox)
	Personnel Director	(Place in mailbox)
	Police Chief	(Place in mailbox)
	Public Works Director	(Place in mailbox)
	Redevelopment Director	(Hand deliver)
	Times-Standard	(They pick up)
	Library	(Hand deliver)
	Public review copy	

B. Agenda +Summaries:	Building	(Place in mailroom boxes)
(In-house) 6	Engineering	
	Harbor/small boat basin	
	Redevelopment- (Marie)	
	Finance - (Russell)	
	Personnel	

C. Agendas only: 30 10(or so), for Mailing List
(Mailers)

***NOTE: Proclamations do
not need to be included
with agendas***

20 (or so), for General Public attend meeting

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

November 2, 2010

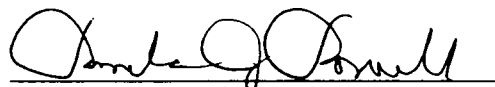
The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:00 P.M. Closed Session, 6:00 P.M. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR BASS

PRESENT: GLASS, ATKINS, LEONARD, JÄGER, JONES


ABSENT: NONE

MINUTES PREPARED BY:



PAMELA J. POWELL
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:


FRANK JÄGER
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Public comment prior to closed session

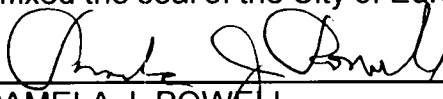
ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Closed session

ACTION:


Council did not meet in closed session.

Agenda Item Closed Session

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item Closed Session

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Mayor's announcements


ACTION:

Mayor Bass encouraged everyone to vote.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item M/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Council reports / City-related travel report

ACTION:

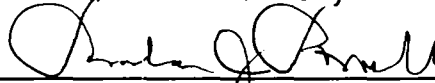
Councilmember Glass provided a report regarding Public Safety statistics.

Councilmember Jones invited J Hockaday, Executive Director of the Eureka Chamber of Commerce to relay a situation that occurred at the Chamber Office.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item C/R

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

William Bennett is trying to raise awareness over the Navy Warfare Testing that is planned for the Pacific Ocean. He asked the Council to consider sending a letter to NOAA asking them to extend the deadline for comments and to Congress asking for a Congressional Hearing.

Susan Radaba is concerned with the 5 Year Navy Warfare testing and the elimination of marine animals. She would like the Council to consider sending a letter to NOAA asking them to extend the deadline for public comments.

Nicholas Bravo, Eureka asked the Council to remove regulations that hinder the poor. As a Libertarian, he would like the government to get out of his way so that he can succeed.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of September 7, 2010 as submitted.


Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Clerk

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Claim for damages of Schafer, Regina

ACTION:

Council rejected the claim of Regina Schafer

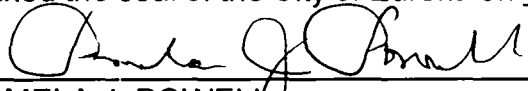
Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Attorney

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Claim for damages of Wells, Amber

ACTION:

Council rejected the claim of Amber Wells

Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES

NOES: NONE

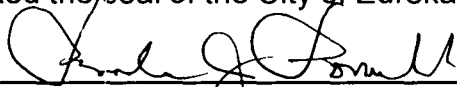
ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Attorney

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Claim for damages of Lyons, Kassi

ACTION:

Council rejected the claim of Kassi Lyons

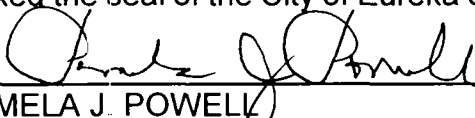
Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Attorney

Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Claim for damages of Squires, Floyd

ACTION:

Council rejected the claim of Floyd Squires

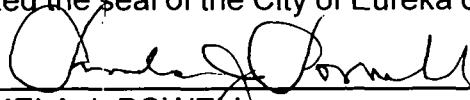
Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Attorney

Agenda Item 6

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: 1.21 Agenda Prep Procedure

ACTION:

Council adopted the revised 1.21 Agenda Prep Procedure.

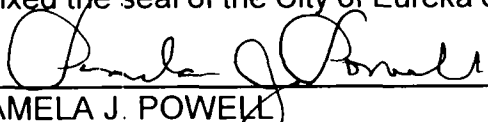
Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: KHUM Stop the Violence Breakfast

ACTION:

Council sponsored a free public event at the Wharfinger Building by waiving rental fees.

Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES

NOES: NONE

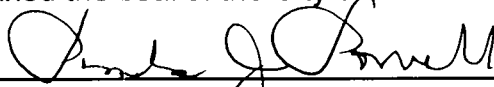
ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Redevelopment Agency -- Salt Marsh Mitigation Project Phase 1

ACTION:

Council adopted City of Eureka Resolution No. 2010-70 and Eureka Redevelopment Resolution No. 10-07 making the findings that the Salt Marsh Mitigation Project Phase 1 is appropriate for Redevelopment Agency funding and approved an expenditure of \$153,000 in excess Redevelopment EPFA Series "A" Lease Revenue Bond funds for the Salt Marsh Mitigation Project Phase 1 within the Redevelopment Project Area.

Adopted on motion by Councilmember Glass, seconded by Councilmember Jager, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept.

Redevelopment

Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Redevelopment Agency -- Joint Resolution Approving an Exclusive Right to Negotiate (ERTN) Agreement with Open Door Community Health Centers

ACTION: Redevelopment Director, Cindy Trobitz Thomas provided a report. Dr. Spetzler of the Humboldt Open Door Clinic also presented information to the Council. The following individuals addressed the council regarding this subject matter:

Nick Bravo, Eureka
Lisa Ollivier, Eureka
Richard Tolleson, Eureka
Brendan McKinney, Eureka
Larry DeBeni, Eureka

Council adopted City Council Resolution No. 2010-71 and Redevelopment Agency Resolution 10-8 approving an Exclusive Right to Negotiate Agreement (ERTN) with Open Door Community Health Centers for the purchase and development of approximately 7.25 acres of Agency owned real property, portions of Assessor's Parcel No's 002-241-15 and 002-241-13 and authorized the execution of a 180-day ERTN between the Eureka Redevelopment Agency and Open Door Community Health Centers.


Adopted on motion by Councilmember Glass, seconded by Councilmember Atkins, and the following vote:

AYES: GLASS, ATKINS, LEONARD
NOES: JAGER, JONES
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Redevelopment Agency -- One Time Exception to the First Time Homebuyer Program Down Payment Assistance Loan Maximum Amount

ACTION:

Redevelopment Director City Trobitz Thomas provided a report. No one from the public addressed the council regarding this subject matter.

Council authorized the Executive Director to approve a one-time exception to the First Time Homebuyer Program's Down payment Assistance Loan Maximum Amount by \$14,000.00 (total loan amount is \$114,000..00 in order for Jocelyn Ranoco to purchase the remaining 7th Street Villa Condominium unit, known as 1655 7th Street, Eureka.

Adopted on motion by Councilmember , seconded by Councilmember , and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES

NOES: NONE

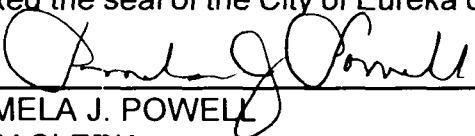
ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Agreement Amendment between the City of Eureka and Humboldt
Community Serves District for Regional Wastewater Treatment

ACTION:

Assistant City Manager Mike Knight provided a report. No one from the public addressed the council regarding this subject matter.

Council authorized the Cit Manager to execute an update agreement between the City of Eureka and Humboldt Community Services District for Regional Wastewater Treatment.

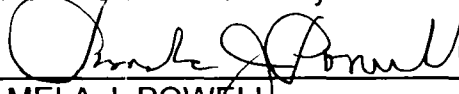
Adopted on motion by Councilmember Jager, seconded by Councilmember Leonard , and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Assistant City Manager

Agenda Item 12

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: 2010-11 Water Rates

ACTION:

Public Works Director Bruce Young provided a report. The following individuals addressed the council regarding this subject matter:

Nicholas Bravo, Eureka

Ron Kuhnel, Eureka

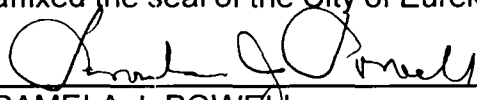
Lisa Ollivier, Eureka

Council received report and provided Staff with direction on how they would like to see the rates structured.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. Public Works

Agenda Item 13

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: City Manager/Executive Director's reports

ACTION:

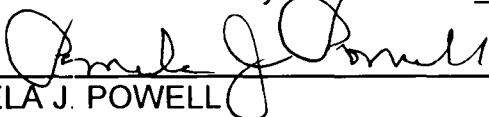
City Manager Tyson provided information regarding the following:

- Thank you to retiring Chief Eric Smith
- 20 million has been spent on water infrastructure and 15 million on waste water infrastructure in the last 20 years.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of November 2, 2010.

SUBJECT: Adjournment

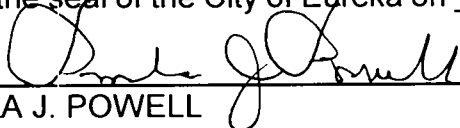
ACTION:

On motion by Councilmember Jones, seconded by Councilmember Leonard, and without objection, the meeting was adjourned at 9:06 P.M.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, PAMELA J. POWELL, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on November 28, 2010.



PAMELA J. POWELL
CITY CLERK

AGENDA SUMMARY**RE: WEIDER, LIBERTY****FOR AGENDA DATE: JAN. 4, 2010****AGENDA ITEM No.:**

4

RECOMMENDATION:

Reject the claim for damages.

SUMMARY:

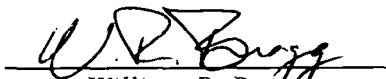
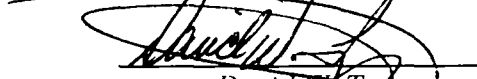
Tort claim in which claimant alleges police misconduct.

PROCEDURE:

The proposed rejection of a claim is one step in what is typically a multi-step process, as provided for by the City Municipal Code, and the City tort claims and review process. Unless the claim is patently due and payable to the claimant, all claims are

*Continued page 2***FISCAL IMPACT:**

Claimant seeks unspecified damages.

CITY ATTORNEY SIGNATURE

 William R. Bragg
 City Attorney
CITY MANAGER SIGNATURE:

 David W. Tyson
 City Manager
REVIEWED BY:
 Risk Manager
 Chief of Police
DATE:
 12/29/10
 12/29/10
INITIALS:
 PJP
 GN
Council Action:

Ordinance No. _____

Resolution No. _____

RE: WEIDER, LIBERTY	FOR AGENDA DATE: JAN. 4, 2011 AGENDA ITEM NO.: <i>Page 2</i>
----------------------------	--

SUMMARY *(continued)*

commonly rejected by the City Council at this phase. The claim is then forwarded to the coverage joint powers authority for any further appropriate action. This might include further investigation of the claim, if any appears indicated, settlement in some cases, or the defense of an ensuing legal action, as the facts and circumstances warrant.

Eureka Municipal Code § 39.22 provides the City Council with the following options:

- *Reject the claim*
- *Allow the claim*
- *Allow the Claim in part, and reject it in part, if the claim is deemed valid, but the amount claimed is found to be incorrect*
- *Reject or compromise the claim if legal liability is disputed*
- *If the City Council allows the claim in whole or in part or compromises the claim, it may require the claimant, if he accepts the amount allowed or offered, to settle the claim, to accept it in settlement of the entire claim.*

In practice, however, the City's discretion in handling claims is somewhat constrained by the City's self-insurance memorandum of coverage with the Redwood Empire Municipal Insurance Fund (REMIF). In order to maintain coverage, the City has agreed to certain terms that are common in coverage agreements, including giving REMIF: the right to control, investigate, settle, or defend any claim that is covered by the coverage agreement.

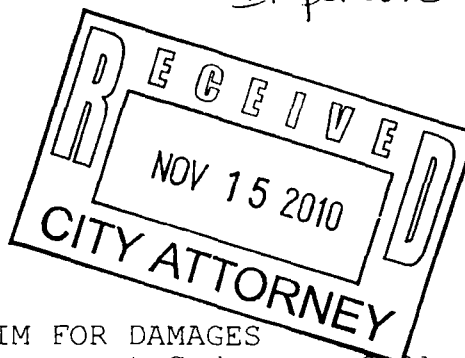
Staff believes that the proposed rejection of this claim is appropriate at this time, based on currently available information, and is in conformance with the City's agreement with REMIF regarding handling of claims.

RECEIVED

NOV 10 2010

CITY CLERK

In person



Peter E. Martin

Attorney at Law

State Bar Number 121672

917 Third Street

Eureka, California 95501

Tel: (707) 268-0445

Fax: (707) 667-0318

Attorney for Claimant Liberty Weider

Liberty Weider,

Claimant,

vs.

City of Eureka,

A California Public

Entity.

) CLAIM FOR DAMAGES

) [Government Code sec. 910]

TO: City Council, City of Eureka:

YOU ARE HEREBY NOTIFIED that Liberty Weider, whose mailing address is c/o Law Office of Peter E. Martin, 917 Third Street, Eureka, CA 95501, claims damages from the City of Eureka.

This claim is based upon injury suffered by Claimant on May 23, 2010, and continuing, in Eureka, CA, under the following circumstances: On May 23, 2010, Claimant suffered physical injury when two male police officers from Eureka Police Department used unreasonable force against Claimant, throwing her to the floor. This assault took place at Saint Joseph's Hospital in Eureka, CA.

The name of the public employees causing Claimant's injuries are unknown to Claimant at this time. Other public employees contributed to Claimant's injuries by failing to take

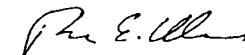
1 reasonable steps to train, discipline and manage the police
2 officers in question.

3 The injuries sustained by Claimant consist of bruising,
4 whiplash, violations of civil rights, and emotional distress.

5 This Claim for Damages constitutes an unlimited civil case.

6 All notices or other communications with respect to this
7 claim should be addressed to Peter E. Martin, Attorney at Law,
8 917 Third Street, Eureka, CA 95501.

9
10
11 Dated: November 10, 2010



Peter E. Martin
Attorney for Claimant

AGENDA SUMMARY

**RE: RESERVOIR MAINTENANCE PROJECT PHASE 3
ROOF STRUCTURE RECOATING
PROFESSIONAL SERVICES AGREEMENT**

FOR AGENDA DATE: JANUARY 4, 2011

AGENDA ITEM No.:

5

RECOMMENDATION:

Authorize staff to execute a professional services agreement with DB Gaya Consulting LLC for Protective Coating Inspection Services for the Reservoir Maintenance Project Phase 3 – Roof Structure Recoating, in an amount not to exceed \$50,000.

SUMMARY:

The Reservoir Maintenance Project is a multi-phase capital project designed to increase security and improve mechanical and electrical systems at the City's 20 million gallon reservoir. The third phase of this project consists of preparing surfaces and replacing the existing coating as necessary on the roof support structure. Bids will be opened for the painting contract on January 20, 2011.

DB Gaya Consulting LLC provided inspection services for the original coating application and inspected and evaluated the coating system in May 2006. Specifications for the painting project are based on the 2006 inspection report and a previous water storage tank coating project for which DB Gaya Consulting LLC provided inspection services. Therefore, this firm is familiar with the project requirements, as well as the location and site access limitations. Staff has negotiated the scope of work and compensation with DB Gaya Consulting LLC and is satisfied with the scope and fee.

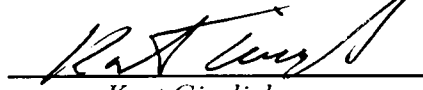
Staff recommends that Council authorize execution of a contract with DB Gaya Consulting LLC to provide Protective Coating Inspection Services on a time and materials basis for the Reservoir Maintenance Project Phase 3 – Roof Structure Recoating, for a total not-to-exceed contract amount of \$50,000.

Prepared by A. Sorensen, Associate Civil Engineer

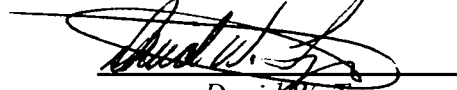
FISCAL IMPACT:

Expenditures: \$50,000 from Account #501-47000-7458-PJ 394-501 for Reservoir Maintenance Project

DEPARTMENT HEAD SIGNATURE:


Kurt Gierlich
City Engineer

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

City Attorney
Finance
Public Works

DATE:

12/29/10
12/28/10

INITIALS:

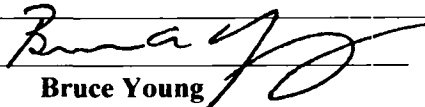
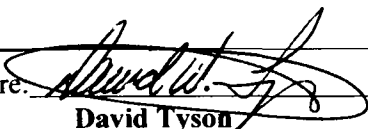
PR
BY

Council Action:

Ordinance No. _____

Resolution No. _____

City of Eureka ~ City Council
AGENDA SUMMARY

RE: Elk River Bio-solids Project	FOR AGENDA DATE: January 4, 2011 AGENDA ITEM NO.: <u>6</u>
RECOMMENDATION: <ol style="list-style-type: none">1. Award Bid No. 2011-08 to lowest responsive bidder, Synagro Technologies Inc., in an amount not to exceed \$ 213,031.2. Council approves a contingency in the amount of \$1,900 for laboratory analysis if necessary.3. Appropriate \$123,031 from account 510-44430-7450 to 510-44430-3165.	
SUMMARY OF THE ISSUE: On November 21, 2010 a Notice to Contractors for the Biosolids Project was advertised. Three bids were received by the bid closing date of December 14, 2010. The bids were opened and read aloud in conformance with Eureka Municipal Code Section 39.42. Staff reviewed the bids and determined that the low bid submitted by Synagro in the amount of \$213,031 to be the best responsive bid. This project, if awarded, provides for needed maintenance of the Facultative Sludge Lagoons at the Elk River WWTP. The project includes mobilization and demobilization, solids processing, transport, and disposal. This project will help reduce the inventory of digested sludge in the facility.	
FISCAL IMPACT: Wastewater Funds 510-44430-3165 and 510-44430-7450 include adequate funds for this project in the 2010/11 Budget.	
Signature:  Bruce Young Public Works Director	Signature:  David Tyson City Manager
REVIEWED BY: City Attorney Finance Department Assist. City Manager	DATE: <u>12/29/10</u> <u>12/29/2010</u> INITIALS: <u>PLR</u> <u>ME/2010</u>
COUNCIL ACTION: Ordinance No. _____	Resolution No. _____

AGENDA SUMMARY**RE: C STREET REPAIR****FOR AGENDA DATE: JANUARY 4, 2011****AGENDA ITEM NO.:**

7

RECOMMENDATION:

1. Authorize payment of \$27,866.30 to RAO Construction Company for the C Street Repair.
2. Appropriate Proposition 42 funding in the amount of \$27,866.30 for the C Street Repair.



SUMMARY:

Settlement of the pavement in the center of C Street, north of Second Street, has been an issue of concern for the City of Eureka. During construction of the C Street Revitalization Projects, staff observed additional cracks forming in the pavement, resulting in an overall increase in the size of the settled area, and began investigating potential causes and solutions.

In an effort to minimize mobilization costs and expedite the repair, staff requested a cost proposal from Ford Logging, Inc., the firm under contract for construction of the C Street Market Square. The cost proposal was requested in April of 2010, but excessive rainfall prevented Ford Logging from proceeding with the work in the spring. In order to avoid impacts to Old Town visitors and businesses, the work was postponed until mid-September. Scheduling conflicts prevented the work from being accomplished in September or October, and postponing the work until January of 2011 was undesirable for all parties involved. Therefore, the services of RAO Construction Company were utilized to complete the repair before the start of the holiday shopping season.

*Continued page 2***FISCAL IMPACT:**

Expenditures: \$27, 866.30 from Account #227-44200-7220 for C Street Repair

DEPARTMENT HEAD SIGNATURE:

 Kurt Gierlich
 City Engineer
CITY MANAGER SIGNATURE:

 David W. Tyson
 City Manager
REVIEWED BY:

City Attorney
 Finance
 Public Works

DATE:

12/29/10
 12/23/10

INITIALS:

PLN
 BY

Council Action:

Ordinance No. _____

Resolution No. _____

RE: C STREET REPAIR

FOR AGENDA DATE: JANUARY 4, 2011

AGENDA ITEM No.:

Page 2

SUMMARY *(continued)*

The work included removing the damaged pavement; excavating unsuitable materials, including sawdust, clay, and remnants of a redwood storm drain; and verifying the integrity of the 54-inch diameter storm drain that runs parallel to the excavated area. Appropriate backfill material was imported and compacted, and the pavement was replaced. The project was completed in less than one week.

Staff recommends that Council authorize payment of \$27,866.30 to RAO Construction Company and appropriate Proposition 42 funding in the amount of \$27,866.30, from Account #227-44200-7220, for the C Street Repair. This funding source is designated for street or road maintenance, reconstruction, or storm drain repair.

Prepared by A. Sorensen, Associate Civil Engineer



AGENDA SUMMARY**RE: NEW DIRECTIONS - NCRC****FOR AGENDA DATE: JAN. 4, 2011****AGENDA ITEM NO.:**

8

RECOMMENDATION:

1. Authorize the City Manager to execute an Agreement with the North Coast Resource Center for the Work Plan for the Humboldt Bay Public Access Enhancement Project; and
2. Appropriate \$17,600 from General Fund Reserves to fund the proposed program.

SUMMARY:

The North Coast Resource Center (NCRC) initiated the New Directions program as alternative approach to homeless encampments. The funding for the Program's first year has been provided by the Coastal Conservancy with the goal of cleaning up homeless encampments in the PALCO Marsh and other natural areas around Humboldt Bay. NCRC's New Directions program has had a positive environmental impact by removing these encampments and nearly 60,000 pounds of debris from these natural areas of our community. In addition to these positive results New Directions has assisted City staff in the removal of 143 homeless encampments.

NCRC is seeking the City's support to continue these efforts in Eureka over the next year. Attached to the Agenda Summary is a budget proposal and scope of work. If the City Council is interested in continuing the New Directions program, the City Council would direct staff to return with the Agreement and funding recommendation.

FISCAL IMPACT: Funding of this program would result in an additional appropriation of \$17,600 from the City's General Fund.

CITY MANAGER SIGNATURE:
David W. Tyson
City Manager**REVIEWED BY:****DATE:****INITIALS:****Council Action:**

Ordinance No. _____

Resolution No. _____

**Work plan for the North Coast Resource Center's
Humboldt Bay Public Access Enhancement Project
NEW DIRECTIONS**

Background

Homeless encampments pose an ongoing challenge for public access, water quality and wildlife habitat in the natural and public access areas around Humboldt Bay. New Directions has demonstrated an innovative, cost-effective, long-term approach to reducing the homeless encampment problem in natural and public access areas around Humboldt Bay by cleaning areas and making them more attractive and accessible to the general public, while also providing information to homeless individuals about available services. Additionally, the positive impact to wildlife and the environment in these areas is significant.

The North Coast Resource Center (NCRC) initiated the New Directions program one year ago to take an alternative approach to homeless encampments. Through the program, a group consisting of a trained case manager and volunteers, supported by City Officials, approached and engaged illegal campers offering resource referrals and education in "good neighbor" conduct. All of the volunteers in the New Directions program are homeless or formerly homeless and participants in the NCRC's Back to Basics employment readiness/Learned Behavior Programs. The first encampment visit was purely introductory and educational in nature. If the inhabitants of the encampment that are present at the time, they are engaged in discussion and informed of resources available to them locally. Agency contact information is handed out and future contact encouraged with at least the New Directions program. If no individuals are present, written material, clean-up date notification and business cards are securely posted at the location. In the case of absentee campers, a second attempt and in some cases a third visit to make personal contact is made. In the event that no contact is made, the New Directions crew comes prepared to remove all debris and all trash and litter is taken away. Personal belongings collected are inventoried (photo, GPS location) and stored for 30 days. Notification of collection and storage is securely posted at the location together with instructions for retrieval of belongings. Maintenance visits keep areas cleared of debris and discourage re-establishment of the encampment(s).

The project has provided funding (\$20,000) for homeless encampment cleanups in the PALCO Marsh area and other natural and public access areas around Humboldt Bay over the past 12 months. We believe we have secured \$15,000 for a future area to be announced by the Coastal Conservancy and the City of Eureka. Encampment cleanups were conducted in cooperation with the City of Eureka, who are the landowners of the areas in question. We have witnessed a growth of the general public's use of these areas as a result, and that wildlife habitat and water quality will be enhanced over a period of time.

To date the NCRC and the City of Eureka has removed 60,000 pounds of debris, disposed of 392 syringes and addressed 143 homeless encampments and 13 local businesses on the environmental impacts to our marsh areas created by Poverty and Homelessness.

The NCRC, by using the resources available in the City's of Eureka and Arcata were able to relocate 18 individuals into Housing or Shelter. The NCRC has also reunited 4 other individuals with their families by using our County's Transportation Assistance Program (TAP).

Task 1. Established procedure with the City of Eureka for identification and cleanup of specific encampments or areas with frequent encampments

NCRC staff has met with City of Eureka staff and determined how encampments will be identified for cleanup and how the City will be consulted regarding planned cleanup activities. NCRC will need to extend time limit on current project area and obtain the City's agreement with outreach and cleanup protocol on possible new areas of engagement. NCRC will obtain permission to access City property to conduct the cleanups in new areas that are environmental sensitive. Cleanup areas will include some sites that were acquired with Coastal Conservancy funds (PALCO Marsh) or sites that are likely to be locations for the California Coastal Trail (e.g. railroad line south of Arcata, Elk River Access Project). This task could also include parallel sites that would be affected by our engagement efforts.

Schedule: Planning meeting should be set to address the above before work is started.

Deliverables: NCRC will create new protocol for identifying encampments for cleanup and for conducting cleanup that is acceptable to The City of Eureka and all of their community partners. Access agreements from the City of Eureka to NCRC for new areas of engagement will be signed by all parties involved

Task 2. Conduct initial Encampment visits and cleanups

NCRC staff and volunteers will conduct initial encampment visits and cleanups in specific encampments or general areas identified in Task 1. The majority of cleanup sites will be located in the City of Eureka Marsh Areas, where the project has received direct field support by Police and City Management. This task also includes tagging and storage of personal property collected during cleanups. Personal property will be stored for 30 days if unclaimed.

The NCRC will continue to coordinate with the City of Eureka's Public Works Dept. for dumpster delivery and pick-up. This process has worked almost flawlessly between the Public Works Dept, Eureka Sanitation and the NCRC.

Schedule: Outreach and cleanups of new areas will begin in November 2010 and be completed by November 2011.

Deliverables: Documentation of cleanups, including before and after pictures, approximate man hours of outreach and cleanup, approximate amount of garbage removed.

Task 3. Conduct maintenance visits

NCRC staff and volunteers will return to original target encampment sites for follow-up cleanups and to check on the condition of the sites to determine whether the

initial outreach and cleanup was effective at reducing the impacts of campers and/or the size of the encampment. The frequency of maintenance visits will be determined based on the level of ongoing impacts at each site, which are expected to decline over time. Weekly or bi-weekly maintenance visits by the New Directions crew are anticipated to be necessary for areas where illegal encampments are common, long-term, or re-inhabitation is frequent.

In current engagement area (Palco Marsh) NCRC will continue to monitor and maintain this area while working parallel on new adjoining Marsh areas that we are assigned to. NCRC has secured a small trailer to reduce cost of dumpsters and by removing small amounts of trash on a daily basis while maintaining the original target area.

Schedule: The start date will be immediate to the signing of new agreement and will continue on for one year from that date in 2011.

Deliverables: Documentation of encampment condition at time of maintenance visit (photographs or notes, estimate of amount of garbage removed).

Task 4. Project Management and Administration

Project management includes preparation of reports and invoices to the City of Eureka. The NCRC will have ongoing communications with the City of Eureka and any other entities that the City of Eureka would match our program to. This option would be used in other areas to address environmental impacts created by poverty and homelessness outside of contracted target areas. The City of Eureka would have the option to enlist the New Directions Program in other areas at additional cost to cover expenses related to these new areas. The City of Eureka would also have the option of assigning The New Directions program to address volunteer management on special events and to provide safety training to all community participants at NO COST.

Schedule: Ongoing weekly and monthly reports.

Deliverables: Status reports with each invoice, final report at conclusion of project.

Budget: See attached Microsoft Excel Spreadsheet for budget.

AGENDA SUMMARY

**RE: ELK RIVER ACCESS/IKSORI TRAIL PROJECT.
CONSOLIDATE COASTAL PERMIT AUTHORITY
WITH THE COASTAL COMMISSION**

**FOR AGENDA DATE: JANUARY 4, 2011
AGENDA ITEM NO.:**

9

RECOMMENDATION:

1. Adopt Resolution No. 2011-__, a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA CONSENTING TO THE CONSOLIDATION OF COASTAL PERMITTING ACTION WITH THE CALIFORNIA COASTAL COMMISSION FOR THE ELK RIVER ACCESS/IKSORI TRAIL PROJECT, AND DELEGATING TO THE DIRECTOR OF COMMUNITY DEVELOPMENT AUTHORITY TO CONSENT TO FUTURE COASTAL PERMIT CONSOLIDATIONS

SUMMARY:

The Elk River Access/Iksori Trail Project, which is described on the following pages, is located within the Coastal Zone and requires a Coastal Development Permit. The jurisdiction for granting the Coastal Development Permit is split between the City of Eureka, and the California Coastal Commission; as such, the project requires a Coastal Development Permit from both the City of Eureka and from the California Coastal Commission. However, in order to expedite permit processing and to prevent unnecessary and duplicative processes the Coastal Act allows the city to consolidate its coastal permit authority with the Coastal Commission, allowing the Coastal Commission to grant a single Coastal Development Permit. By adopting the attached resolution, the City Council is consenting to the coastal permit consolidation.

ATTACHMENTS:

Attachment 1 Resolution for Consolidation of Coastal Permit Authority

Continued page 2

FISCAL IMPACT: None with this action

DEPARTMENT HEAD SIGNATURE:


Sidnie L. Olson
Director of Community Development

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

Assistant City Manager

DATE:

12/27/10

INITIALS:

MK

Council Action:

Ordinance No. _____

Resolution No. _____

SUMMARY (continued):

Within the city the lands generally west of Broadway, north of 3rd Street and east of Myrtle Avenue are within the California Coastal Zone. If development in the Coastal Zone is not Statutorily Exempted or Categorically Excluded it requires approval of a Coastal Development Permit. Statutory Exemptions are defined by law and include such things as repair and maintenance activities. Categorical Exclusions are defined by geographic area and include waiver of a Coastal Development Permit for such things as lot line adjustments and principally permitted development.

Within the Coastal Zone there are three geographic areas of permit authority:

- Where the California Coastal Commission has retained coastal permit authority. In these areas, which include all tidelands, the City has no authority for granting the Coastal Development Permit.
- Where the City has primary coastal permit authority. In these areas, the City has the primary authority to grant the Coastal Development Permit, but our actions are appealable to the California Coastal Commission.
- Where the City has sole coastal permit authority. In these areas, the City has sole jurisdiction for granting the Coastal Development Permit. There is no appeal of our action to the Coastal Commission.

If a development is in an area where coastal permit authority is split, a Coastal Development Permit is required by both the City and the Coastal Commission. However, Public Resources Code § 30601.3 allows for consolidation of the coastal permit authority with the Coastal Commission when the applicant, the City and the Commission all consent to such consolidation. The City Council has consented to consolidated coastal permit action approximately six times since Public Resources Code § 30601.3 was adopted by the Legislature in 2006.

30601.3. (a) Notwithstanding Section 30519, the commission may process and act upon a consolidated coastal development permit application if both of the following criteria are satisfied:

(1) A proposed project requires a coastal development permit from both a local government with a certified local coastal program and the commission.

(2) The applicant, the appropriate local government, and the commission, which may agree through its executive director, consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation.

(b) The standard of review for a consolidated coastal development permit application submitted pursuant to subdivision (a) shall follow Chapter 3 (commencing with Section 30200), with the appropriate local coastal program used as guidance.

(c) The application fee for a consolidated coastal development

permit shall be determined by reference to the commission's permit fee schedule.

(d) To implement this section, the commission may adopt guidelines, in the same manner as interpretive guidelines adopted pursuant to paragraph (3) of subdivision (a) of Section 30620.

In all past requests to consolidate coastal permit authority, the Director of Community Development has sent the request to the City Council for consent authorization. Scheduling the item for action by the City Council can delay the project up to two months. Keeping in mind that one of the primary purposes of Public Resources Code § 30601.3 is to expedite permit processing and prevent duplicative actions, the City Council may delegate to the Director of Community Development the authority to "consent to consolidate the permit action." Delegation by the City Council to the Director of Community Development the authority to consent to consolidate future coastal permit actions will eliminate the delay. The attached Resolution contains language that provides such authorization and delegation.

ELK RIVER ACCESS/IKSORI TRAIL PROJECT

The Elk River Access/Iksori Trail Project's purpose is to enhance public access to the Elk River Wildlife Sanctuary (ERWS), Elk River estuary, and Humboldt Bay. The project will thereby encourage an appreciation of the environment and historic uses of the area, improve public health, increase the safety of trail users and recover native habitat values where possible. The major elements of the project include the following:

1. Truesdale Vista Point

Located between Truesdale Street and the City's McCullens Avenue Pump Station is an existing dirt lot with a largely unimproved surface. With improvements, the site has potential for high use levels, with close and visible proximity to the Bayside Mall and US 101, and existing moderate use. Public access improvements here are a priority in the Eureka General Plan and Capital Improvement Program.

Parking Proposed permeable surface (stalls only), 14,400 square feet, with 23 spaces, three ADA-compliant. Remainder of parking area surface to be AC with adjacent concrete sidewalk areas and landscaping which will be utilized for treatment of runoff from parking area (bioretention swale / vegetated strips).

Roadway Upgrade of 600 square feet of Truesdale Street adjacent to Vista Point, including railroad crossing improvements.

Multi-Use Trail Parallel to shoreline, (potentially paved) surface for high-level use and compatibility with segment south of pump station, approximately 380 linear feet. Standard 14' width, including 4' of hard/unpaved adjacent path and an additional two to four feet of disturbed shoulder (for all multi-use trail in project area). City-removable/collapsible access control structure

(bollard/s) to prevent vehicular access.

Day-Use Area

Scenic trailhead and visitor area including: two to four picnic tables, benches, trash receptacle/dog cleanup station, appropriate (low focus) lighting. Signage (see below). Pump station fencing will be planted with plants growing up trellises providing a natural green screen to the pump station as opposed to a chain link fence. The vegetation will provide a noise block, visual screen, habitat for species and will be planted with fragrant or edible species. Pump station may be repainted.

Signage

Site name sign at entrance. Trailhead kiosk: three or four-sided structure, including site use guidelines, region/site map and natural/cultural history interpretive information.

Restroom

Plumbed restroom facility on northeast side of parking area.

Landscaping

Significant landscaping to add scenic element to site as viewed from US 101. Native plants recommended, few trees. Appropriate landscaping and 420 feet of upgraded fencing (living fence) to screen pump station facility. Landscaping will be utilized for stormwater treatment and retention with vegetated and/or bioretention swales. Design will include vehicular access control to trail and beach. Potential elements of public art.

Observ. Platform

Raised (approximately 48") platform for bay/birdlife viewing at northwestern corner of Vista Point. One or two rail-mounted interpretive signs.

2. Truesdale Park

The former City storage yard area south of the pump station – approximately 425 linear feet.

Multi-Use Trail

Start of improved trail will be paved surface, either AC or NaturalPave with a 4' hardened/unpaved shoulder.

Landscaping

Potential earthscaping/raised relief, groundcover, some shrubs and trees, all natives. Planting of shore pines in between decadent Monterey pines to sustain biological shoreline protection. Removal of invasive non-native species and existing fences. Potential elements of public art appropriate for a natural landscape.

3. Truesdale to Hilfiker

The former Crowley property north of Hilfiker Lane – approximately 650 linear feet. This area has substantial native vegetation interspersed with numerous invasive exotic plants.

Multi-Use Trail

Continuation of improved Elk River Trail, paved- 10' either AC or Nature Pave and 4' hard/unpaved shoulder.

Landscaping

Invasive exotic plant removal and native species plantings.

- Signage** Two trailside interpretive signs that will include restricted use language.
- Observ. Platform** Potential: slightly raised earthen platform for bay/birdlife viewing. Two or three rail-mount interpretive sign/s. Siting will depend on confirmation of location of wastewater transmission line.

4. Elk River Paddling Access

Southwest end of the former Crowley property and corner of Hilfiker Lane. There will be a roadway entrance to the paddle boat parking and access site.

- Paddle Boat Access** 'Primitive' beach launch with footpath from parking area.
- Day-Use Area** Minimal paddling facilities: two picnic tables, trash receptacle/dog cleanup station, plumbed restroom.
- Restroom** Plumbed or vault restroom facility on northeast side of parking area.
- Parking** Hard surfaced for eight vehicles, including one ADA-compliant space. Landscaped areas utilized for stormwater treatment and detention using vegetated and/or bioretention swales.
- Multi-Use Trail** Continuation of improved Elk River Trail, paved- 10' either AC or NaturalPave with 4' hardened/unpaved shoulder.
- Signage** Welcome sign at corner of Hilfiker Lane facing roadway – potentially could direct traffic to ERWS trailhead at end of Hilfiker and identify corner site for paddling access. Small paddling access kiosk with site use guidelines, 'water trail' map, and interpretive information.
- Multi-Use Trail** Continuation of Iksori Trail south of parking area, 10' either AC or NaturalPave with 4' hardened/unpaved shoulder.
- Landscaping** Gateway landscaping and earthscaping at corner of Hilfiker Lane and around parking area with primarily native shrubs. Vehicular access control to beach and trail. Landscaped areas utilized for stormwater detention/bioretention swales. Potential elements of public art.

5. Hilfiker Lane Trail

From corner of Hilfiker Lane to trailhead – approximately 1500 linear feet.

- Multi-Use Trail** Continuation of improved trail as above. Outer edges of trail will be a minimum of approximately four feet from Hilfiker Lane and extreme high tide line. Trail will depart from shoreline onto the roadway along existing Schwaika Property until easement or purchase of private property allows continuation of trail off of roadway. Road will be realigned to accommodate an adjacent 6-8' trail, separated from Hilfiker Road by a raised curb.
- Signage** Two trailside interpretive signs along trail route.

Landscaping Earthscaping, native trees and shrubs. Structural control of vehicular access control to beach and trail between roadway and trail corridor. Potential elements of public art. Some or all large boulders will be removed and replaced with more aesthetic vehicular access control.

Observ. Platform Potential: raised earthen berm for bay/birdlife viewing at point of armored shoreline. Two or three rail-mount interpretive sign/s.

6. Hilfiker Lane Trailhead

North of and surrounding existing ERWS parking lot. This area will be less developed than the more urban environment of the Truesdale Vista Point.

Parking Existing asphalt parking for 21 vehicles. This lot should be adequate for proposed improvements in the area. Two parking sites should be designated for ADA access.

Day-Use Area Scenic trailhead and visitor area: picnic tables, benches, trash receptacle/dog cleanup station, appropriate (low focus) lighting. Existing cyclone fencing and some or all large boulders will be removed and replaced with more aesthetic vehicular access control.

Restroom Plumbed restroom facility on northeast side of parking area.

Multi-Use Trail Continuation of improved trail as above to connect with existing trail, described below.

Signage Three- to four-sided trailhead kiosk as above including site use guidelines, region/site map and natural/cultural history interpretive information. Two trailside interpretive signs.

Landscaping Extensive landscaping, earthscaping and beach/trail access control around parking lot and along Hilfiker Lane with primarily native plants. The large fill area north of the parking lot could be maintained as a mowed open space for recreational activities, or it could be more heavily earthscaped with an artistic focus. Potential elements of public art.

7. Existing ERWS Trail

Informal trail south of Hilfiker Lane trailhead to railroad corridor at Pound Road – approximately 3890 linear feet

Multi-Use Trail Continuation of trail south of parking area as above. The trail will cross the railroad and continue to Pound Road.

Surfacing improvements to existing informal trail will include: aerial and surface vegetation removal in 16' corridor, grading, and application of trail base and surfacing materials to width standards as above. Limited amount of additional vegetation clearing to improve visibility and safety. An

approximately 26' long and 10-12' wide bridge will be installed over a narrow finger of slough just northwest of the railroad crossing (see below) at the south end of the ERWS.

Signage Up to six trailside interpretive signs. Potential 'use guideline' sign to communicate status of railroad crossing access/use or a related safety warning.

8. Riverside Footpath

South of ERWS parking lot there is an existing footpath to and along the river's edge that connects back to the multi-use trail – approximately 1090 linear feet – used for fishing and birdwatching. Improvements to this trail will reduce off-trail travel on the river's edge.

Footpath Proposed surfacing improvement to 4' width of crushed shale or similar surface.

Signage Up to three trailside interpretive signs.

9. Pound Road Access

Current informal pedestrian access to and from Herrick Road overpass and Pound Road over railroad corridor – approximately 405 linear feet from railroad corridor to small existing parking area and gate; approximately 1000 linear feet from small parking area to US 101 Park & Ride lot. Large Park & Ride lot adjacent to US 101 has ample parking space for anticipated uses; trailhead uses are in process for approval by Caltrans.

Signage Trailhead kiosks/signs will be at the trail access point (former informal parking area) and at the Park & Ride.

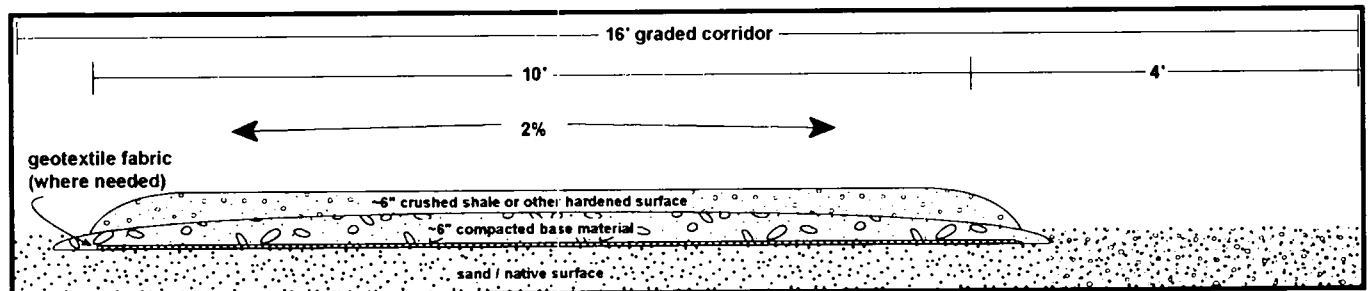
Roadside Trail A road-adjacent 6-8' wide asphalt trail, separated from Pound Road by a raised curb, will be developed for 255' from the Park & Ride north to the entrance of Pro-Pacific, where a crosswalk will provide access to the pedestrian/bicycle access adjacent to the proposed gate (see below). Between the proposed gate and the existing informal parking area, pedestrian/bicycle traffic will share Pound Road with very limited traffic associated with one landowner and City maintenance.

Railroad crossing West of the existing gate at the informal parking area, an existing volunteer footpath crosses over the railroad corridor. This trail will be improved to multi-use standards. Over the railroad tracks, a temporary paved crossing will be constructed, leaving tracks in place and will be reconstructed to accommodate rail use when railroad becomes operational.

Access Control A new/refurbished gate will be installed on Pound Road west of the private entrance to Pro-Pacific fresh produce shipping facility/warehouse to limit vehicular access to use by the City and one private landowner and prioritize pedestrian/bicycle use for the remainder of Pound Road.

Trail Route Layout and Design

The trail itself will consist of a 10' hard surface trail with 4' of adjacent soft path (4' on one side). High traffic parts of the trail will be surfaced with NaturalPave or AC, with a hardened (e.g. crushed shale) adjacent shoulder/path; the rest of the trail will either be surfaced with hardened/crushed shale surface or NaturalPave. The trail surface will support wheelchair users and bicyclists while fitting the natural landscape



Typical Proposed Iksori Trail Cross-Section.

RESOLUTION NO. 2011-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA
CONSENTING TO THE CONSOLIDATION OF COASTAL PERMITTING
ACTION WITH THE CALIFORNIA COASTAL COMMISSION FOR THE
ELK RIVER ACCESS/IKSORI TRAIL PROJECT, AND DELEGATING TO
THE DIRECTOR OF COMMUNITY DEVELOPMENT AUTHORITY TO
CONSENT TO FUTURE COASTAL PERMIT CONSOLIDATIONS**

WHEREAS, the City of Eureka is proposing the development of the ELK RIVER ACCESS/IKSORI TRAIL PROJECT; and

WHEREAS, the Elk River Trail is located in the Coastal Zone; and

WHEREAS, coastal permit authority for the Elk River Trail project is split between the City of Eureka and the California Coastal Commission; and

WHEREAS, the California Coastal Act of 1976, Public Resources Code § 30601.3 allows for a consolidated permitting process for projects for which the coastal development permit authority is shared by a local government and the State Coastal Commission; and

WHEREAS, the Public Resources Code § 30601.3 requires the applicant, the local government, and the Executive Director of the Coastal Commission to consent to the consolidation; and

WHEREAS, consolidation may only proceed where public participation is not substantially impaired by the review consolidation; and

WHEREAS, the City of Eureka finds that the consolidated coastal development permit application would benefit the City, which is the Applicant, and the Coastal Commission by avoiding unnecessary and duplicative processing; and

WHEREAS, in all past requests to consolidate coastal permit authority, the Director of Community Development has sent the request to the City Council for consent authorization which can delay a project up to two months; and

WHEREAS, one of the primary purposes of Public Resources Code § 30601.3 is to expedite permit processing and prevent duplicative actions, and the City Council's action to delegate to the Director of Community Development the authority to "consent to consolidate the permit action" will eliminate the delay.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Eureka, that pursuant to Public Resources Code Section 30601.3 the City Council consents to the coastal permit action consolidation for the Elk River Trail project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Council of the City of Eureka, that the Director of Community Development has the authority of the City Council to consent to future requests for consolidation of coastal permit authority.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2011 by the following vote:

AYES: COUNCIL MEMBERS
NOES: COUNCIL MEMBERS
ABSENT: COUNCIL MEMBERS
ABSTAIN: COUNCIL MEMBERS

Frank Jäger, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

David. W. Tyson, City Manager

William Bragg, Interim City Attorney

AGENDA SUMMARY**RE: 2010 California Fire Code****FOR AGENDA DATE:** January 4, 2010**AGENDA ITEM NO.:**

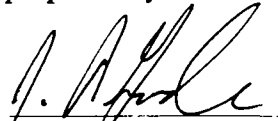
10

RECOMMENDATION:

1. Waive reading, read by title only, and introduce Bill No. 833-C.S., an ordinance amending Title 9, Chapter 92, Adoption of the California Fire and Life Safety Code, repealing Sections 92.01 through 92.06 and replacing with new sections 92.01 through 92.06, adopting by reference the 2010 California Fire Code and related model codes and appendices and amendments.
2. Adopt Resolutions of the City Council of the City of Eureka setting forth express findings that amendments to the fire code contained in the California Code of Regulations (CCR), Title 24, Part 9 are necessary because of local climactic, geological or topographical conditions.

SUMMARY:

The California Building Standards Commission (BSC) updates and amends the California Fire Code every three years. California Health and Safety Code Section 18938 mandates that the most recent edition of the code shall apply to all occupancies throughout the State and shall become effective 180 days after publication in the California Building Standards Code. For this code cycle, the effective date was January 1, 2011.

prepared by:


Rusty Goodlive
Fire Marshal

*Continued page 2***FISCAL IMPACT:** None with this action.**DEPARTMENT HEAD SIGNATURE:**


Bill Gillespie
Interim Fire Chief

CITY MANAGER SIGNATURE:


David W. Tyson
City Manager

REVIEWED BY:

Assistant City Manager
City Attorney
Engineering
Fire

DATE:

12-29-10
12-29-10
12-29-10
12-29-10

INITIALS:

MLC
BB
KG
BS

*Choose these departments as needed.***Council Action: 2010 California Fire Code**

Ordinance No. _____

Resolution No. _____

AGENDA SUMMARY

If approved, Bill NO. 833-C.S. adopts the 2010 California Building Standards Code as the Fire and Life Safety Code of the City of Eureka, as stated in Eureka Municipal Code Title 9, Chapter 92, Section 92.01. Section 92.01 references and includes the codes adopted in Eureka Municipal Code Title 15, Chapter 150, Sections 150.015 through 150.022, which include:

- 2010 California Building Code (Title 24, Part 2) based on the 2009 International Building Code;
- 2010 California Residential Code (Title 24, Part 2.5) based on the 2009 International Residential Code
- 2010 California Electrical Code (Title 24, Part 3) based on the 2008 National Electrical Code;
- 2010 California Mechanical Code (Title 24, Part 5) based on the 2009 Uniform Mechanical Code;
- 2010 California Plumbing Code (Title 24, Part 6) based on the 2009 Uniform Plumbing Code;
- 2010 California Energy Code (Title 24, Part 6);
- 2010 California Historical Building Code (Title 24, Part 8);
- 2010 California Fire Code (Title 24, Part 9) based on the 2009 International Fire Code;
- 2010 California Existing Building Code (Title 24, Part 10) based on the 2009 International Building Code;
- 2010 California Green Building Standards Code (Title 24, Part 11);

The 2010 California Building Standards Code incorporates the above referenced model codes that have been amended by the BSC to increase the safety of the public and to reduce the potential for property damage from fire, earthquakes, and other natural or manmade disasters. It has been widely demonstrated where the latest Construction Codes are adopted and properly enforced, losses are dramatically reduced.

Fees do not increase by adopting the 2010 California Fire Code. Bill No. 833-C.S. provides that fees will continue to be adopted by resolution. Fees are contained in the "Schedule of Fees and Services Charges" and considered annually by the City Council.

In addition to adopting the 2010 California Building Standards Code as the Fire and Life Safety Code of the City of Eureka, Bill No. 833-C.S. amends Sections 92.01 through 92.06. Bill No. 833-C.S. as written proposes changes to code section references by updating those references to the 2010 California Fire Code, and applicable sections.

Local governments may amend the building standards contained in California Code of Regulations (CCR), Title 24 for all occupancies, and the regulations of the Department of Housing and Community Development applicable to residential structures. The provisions of law that permit these local government amendments contain subtle differences. Building Standards Law requires the following:

- The governing body of the local government must make express findings that amendments to the building standard contained in CCR, T-24 are necessary because of local climatic, geological, or topographical conditions.
- The local government amendments must provide a more restrictive building standard than that contained in CCR, T-24.
- The amendments are neither effective nor operative until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission.

Bill No. 833-C.S. contains several amendments to the 2010 California Fire Code, Title 24, Part 9 only. The proposed amendments are found in the proposed new Eureka Municipal Code Section 92.02. Many of these amendments are adoptions of Chapters or Sections of Chapters of the International Code that were not adopted by the State.

Attached for reference is Bill No. 833-C.S. which contains all new proposed language. Also attached is a copy of prior sections 92.01 through 92.06 with proposed new language underlined and language recommended to be deleted in strike-through.

The new model code has been reviewed by the Humboldt County Fire Prevention Officers Association and bill 833-C.S. contains their approved adoptions and amendments.

ATTACHMENTS:

Bill No. 833-C.S.

Resolution setting forth findings of fact for Fire Code amendments

**AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA
MUNICIPAL CODE TITLE 9, CHAPTER 92, SECTIONS 92.01 THROUGH 92.06
ADOPTING THE 2010 EDITIONS OF THE CALIFORNIA CODES AND
RELATED MODEL CODES WITH APPENDICES AND AMMENDMENTS ALL
RELATING TO FIRE AND LIFE SAFETY**

Be it ordained by the City Council of the City of Eureka as follows:

Section 92.01 through Section 92.06 of the Eureka Municipal Code is amended to read as follows:

**§ 92.01 ADOPTION OF CALIFORNIA FIRE AND LIFE SAFETY
CODE.**

Those certain documents including their appendices, supplements, and errata, as adopted by the City of Eureka in the Eureka Municipal Code Title 15, §§ 150.015 through 150.022, copies of which are on file in the respective designated offices as referenced in §§ 150.015 through 150.022, are adopted as amended, deleted, and/or added to as the Fire and Life Safety Code of the city for regulation and providing minimum standards for the nationally recognized good practices for safeguarding to a reasonable degree of life and property from the storage, handling, and use of hazardous substances, material, and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises in the city; providing penalties for the violation of such codes; and each and all of the regulations, provisions, penalties, conditions and terms of the aforementioned codes, published by said organizations, and amended by the state, on file in the office of the city are hereby referred to, adopted and made part hereof as amended, deleted and/or added to as if fully set out in this section.

('63 Code, § 3-3.01) (Ord. 350-C.S., passed 10-6-89; Am. Ord. 497-C.S., passed 7-20-89; Am. Ord. 516-C.S., passed 7-19-90; Am. Ord. 604-C.S., passed 1-16-96; Am. Ord. 666-C.S., passed 3-4-03; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.02 CALIFORNIA FIRE CODE AMENDMENTS.

The 2010 ~~2007~~ California Fire Code, Title 24, Part 9, Based on the 2009 ~~2006~~ International Fire Code is hereby amended as follows:

(A) Chapter 1 – Scope and Administration, the following sections are added to the Fire Code:

- a. Section 101 - General. Entire section is adopted.
- b. Section 102 - Applicability. Entire section is adopted.

c. Section 103 - Department of Fire Prevention. Entire section is adopted.

d. Section 104 - General Authority and Responsibilities. Entire section is adopted.

e. Section 106 - Inspections. Entire section is adopted.

j. Section 107 - Maintenance. Entire section is adopted.

k. Section 108 Board of Appeals: Section is adopted and amend section to read: Board of Appeals shall be established in § 150.024 of the Eureka Municipal Code

h. Section 109 - Violations. Entire section is adopted.

i. Section 110 - Unsafe Buildings. Entire section is adopted.

j. Section 111 - Stop Work Order. Entire section is adopted.

k. Section 112 – Service Utilities. Entire section is adopted

l. Section 113 – Fees. Entire section is adopted

(B) Chapter 3- General Precautions Against Fire, is added to the Fire Code, and the entire chapter is adopted with the following amendment

a. Exception: Section 308.2 Open Flames, Permit required is omitted.

~~(B) Chapter 4– Emergency Planning and Preparedness, the following sections are added to the Fire Code:~~

~~a. Section 401 General. Entire section is adopted.~~

~~b. Section 402 Definitions. Entire section is adopted.~~

~~c. Section 403 Public Assemblages and Events. Entire section is adopted.~~

~~d. Section 404 Fire Safety and Evacuation Plans. Entire section is adopted.~~

~~e. Section 405 Emergency Evacuation Drills. Entire section is adopted.~~

(C) Chapter 5 - Fire Service Features, is added to the Fire Code, and the entire chapter is adopted with the following amendments.

- a. Section 505.1.1 is added to read: For other than one and two family dwellings and individual mobile homes, address numbers shall be a minimum of 6 inches in height. Where buildings are set back from the street, larger numbers may be required.
Exception: Existing legible identification
- b. Section 505.1.2 is added to read: In multi-tenant buildings individual tenant spaces shall be identified with characters a minimum of 2 inches in height located on the entry door or on the wall at the strike-side of the entry door.
Exception: Existing legible identification
- c. Section 506.1.2 is added to read: Approved key boxes shall be installed in new buildings equipped with fire alarm systems, fire sprinkler systems, elevators, and/or as required by 506.1. Key boxes shall be installed in existing buildings where new fire alarm systems, fire sprinkler systems, and/or elevators are installed, or as required by 506.1.
- d. Section 506.1.3 is added to read: Motorized gates providing access to facilities or property shall be provided with an approved gate key switch or other approved means of emergency operation. The switch shall be installed so it will open the gate and the gate will remain in the open position until re-set by the fire department.

(D) Chapter 8 – Interior Finish, Decorative Materials, and Furnishings

- a. Section 806 Decorative Vegetation in New and Existing Buildings is adopted
Exception: Section 806.1 is omitted.

(E) Chapter 9– Fire Protection Systems

- a. Section 903.4.4 is added to read: In addition to the requirements of 903.4, valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems shall be locked in the correct position.

(D) Chapter 17 - Fumigation and Thermal Insecticidal Fogging, is added to the Fire Code, and the entire chapter is adopted.

~~(E) Chapter 25 – Tire Rebuilding and Tire Storage, is added to the Fire Code, and the entire chapter is adopted.~~

~~(F) Appendix Chapter 1 Administration, the following sections are added to the Fire Code:~~

- ~~a. Section 101 General. Entire section is adopted.~~
- ~~b. Section 102 Applicability. Entire section is adopted.~~
- ~~c. Section 103 Department of Fire Prevention. Entire section is adopted.~~
- ~~d. Section 104 General Authority and Responsibilities. Entire section is adopted.~~
- ~~e. Section 106 Inspections. Entire section is adopted.~~
- ~~f. Section 107 Maintenance. Entire section is adopted.~~
- ~~g. Section 108 Board of Appeals. Adopt entire section, and amend section to read:

Board of Appeals shall be established in §150.024 of the Eureka Municipal Code~~
- ~~h. Section 109 Violations. Entire section is adopted.~~
- ~~i. Section 110 Unsafe Buildings. Entire section is adopted.~~
- ~~j. Section 111 Stop Work Order. Entire section is adopted.~~

~~(G) Appendix D- Fire Apparatus Access Roads. The entire Appendix is adopted Adopt entire section, with the following amendments~~

- ~~a. D101.1 Scope, is amended to read:
 - ~~i. D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the California Fire Code.~~~~
- ~~b. D102.1 Access and Loading, is amended to read:
 - ~~i. D102.1 Access and Loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to Fire Department apparatus by way of an approved fire apparatus access road with a compacted gravel, asphalt, concrete, or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds (34,050 kg).~~~~

c. ~~D103.1 Access road width with a hydrant, is amended to read:~~

i. ~~D103.1 Access road with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure D103.1~~

d. ~~D103.2 Grade, is amended to read:~~

i. ~~D103.2 Grade. Fire apparatus access roads shall not exceed 16% in grade. Roads less than or equal to 10% grade may be compacted gravel. All roads in excess of 10% grade shall be asphalt, concrete, or other approved driving surfaces.~~

~~**Exception:** Grades steeper than 16% may be approved by the authority having jurisdiction with approved high traction surfaces. Requests for exception must be specifically approved for each application.~~

e. ~~D103.3 Turning Radius, is amended to read:~~

i. ~~D103.3 Turning Radius. The minimum turning radius shall be determined by the Fire authority having jurisdiction.~~

f. ~~D103.4 Dead Ends, is amended to read:~~

i. ~~D103.4 Dead Ends. Dead end fire apparatus roads in excess of 150 feet in length shall be provided with width and turnaround provisions in accordance with table D103.4.~~

g. ~~D103.5 Fire Apparatus Access Road Gates, is amended to read:~~

i. ~~D103.5 Fire Apparatus Access Road Gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:~~

(1) ~~The minimum gate width shall be 20 feet (6096).~~

(2) ~~Gates shall be of a swinging or sliding type.~~

(3) ~~Gates shall be constructed in such a manner to allow manual operation by one person.~~

(4) ~~Gates shall be maintained in operative condition at all times and repaired or replaced when found to be inoperative or damaged.~~

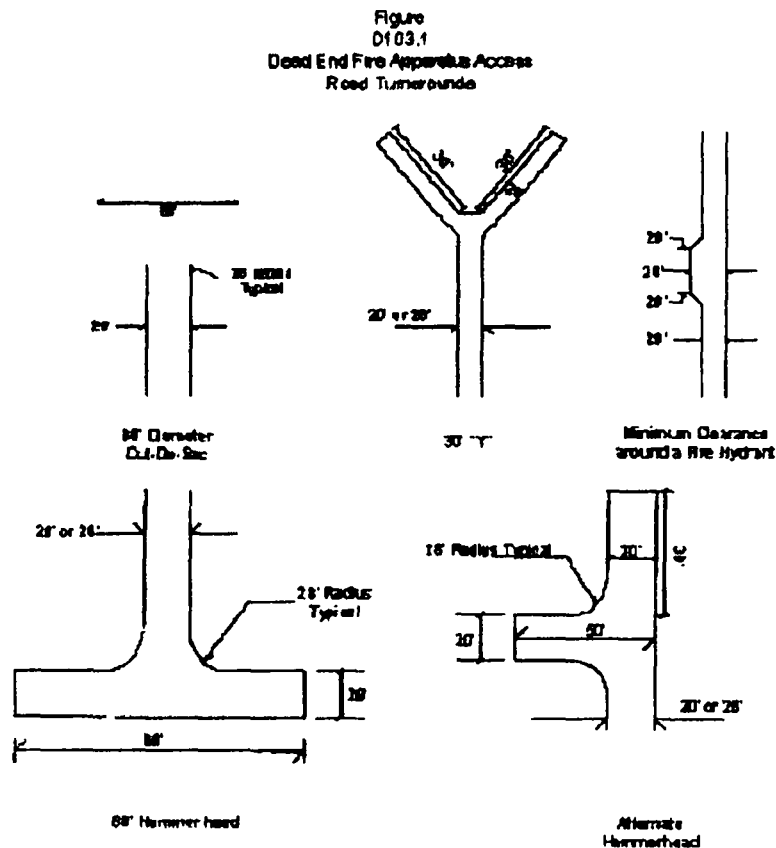
(5) ~~Electric gates shall include a Knox electric key switch control pad coded to the pattern of the agency having jurisdiction to allow Fire Department access.~~

(6) ~~Manual operating gates that are locked shall be locked by a Knox padlock coded to the pattern of the authority having jurisdiction.~~

(7) ~~Locking device layout and operational details shall be submitted to and approved by the fire authority having jurisdiction.~~

h. ~~Figure D103.1 is amended to reflect the minimum turn around specifications allowable, and shall appear as follows:~~

Note: Figure D103.1 is omitted from the 2010 EMC adoption



(Ord. 350-C.S., passed 10-6-81; Am. Ord. 604-C.S., passed 1-16-96; Am. Ord. 666-C.S., passed 3-4-03; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.03 ENFORCEMENT BY BUREAU OF FIRE PREVENTION.

(A) The 2010 ~~2007~~ California Fire Code, Title 24, Part 9, based on the 2009 ~~2006~~ International Fire Code, shall be enforced by the Bureau of Fire Prevention in the Fire Department of the city which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

(B) The Chief (or Fire Marshal) in charge of the Bureau of Fire Prevention shall be appointed by the Chief of the Fire Department on the basis of examination to determine his qualifications.

(C) The Chief of the Fire Department may detail such members of the Fire Department as Inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager of the city the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

('63 Code, §3-3.04) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.04 LIMITS OF DISTRICTS FOR STORAGE OF EXPLOSIVES AND BLASTING AGENTS.

The limits referred to in Section 3301.1 of said 2010 California Fire Code, Title 24, Part 9, as referenced to the California Code of Regulations, Title 19, Division 1, Chapter 10, in which a permit is required for the storage of explosives and blasting agents, such storage is prohibited within the boundaries of the city.

('63 Code, §3-3.07) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.05 LIMITS OF DISTRICTS FOR STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS AND LIQUEFIED PETROLEUM GAS.

The geographic limits referred to in Section ~~3404.2.9.6.1~~ ~~3404.1~~ of said ~~2010~~ ~~2007~~ California Fire Code, Title 24, Part 9, in which the storage of flammable or combustible liquids in aboveground tanks outside of buildings is prohibited, and approved locations ~~the limits~~ referred to in Section ~~3406.5.1.1~~ ~~3406.1~~ of said Code in which construction of new bulk plants for the storage of flammable or combustible liquids is prohibited, and the geographic limits referred to in Section ~~3804.2~~ ~~3804.1~~ of said Code, in which the bulk storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas, are hereby established as all zone districts except the "MG" General Industrial

District as said district is defined and established by the zoning regulations of the city set forth in Chapter 155 of this Code.

The geographic limits referred to in Section 3406.2.4.4 of said 2010 California Fire Code, Title 24, Part 9, in which the storage of Class I and II flammable and combustible liquids in aboveground tanks at farms and construction sites are prohibited, are hereby established as the boundaries of the city.

The geographic limits referred to in Section 3506.2 of said 2010 California Fire Code, Title 24, Part 9, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, is hereby established as the boundaries of the city.

('63 Code, §3-3.08) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

§ 92.06 APPEALS.

Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Board of Appeals of the city created by § 150.024.

('63 Code, §3-3.09) (Ord. 350-C.S., passed 10-6-81; Am. Ord. 720-C.S., passed 1-15-08)

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2010 by the following vote:

AYES:	COUNCILMEMBERS
NOES:	COUNCILMEMBERS
ABSENT:	COUNCILMEMBERS
ABSTAIN:	COUNCILMEMBERS

Lance Madsen, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2010, and hereby approved.

Frank Jager, Mayor

Approved as to Administration:

Approved as to form:

David W. Tyson, City Manager

William Bragg, Interim City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____ day of _____, 2010.

Pamela J. Powell, City Clerk

RESOLUTION NO. 2010-

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EUREKA SETTING FORTH FINDINGS WITH RESPECT TO LOCAL
CLIMATIC, GEOLOGICAL OR TOPOGRAPHICAL CONDITIONS WHICH MAKE
CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA FIRE CODE
REASONABLY NECESSARY**

WHEREAS, California Health and Safety Code Sections 18938 mandates that the most recent edition of the Building Standards shall apply to all occupancies throughout the State and shall become effective 180 days after publication in the California Building Standards Code; and

WHEREAS, Health and Safety Code Section 17958.5 permits a local jurisdiction to modifications or changes in the Building Standards Code which are reasonably necessary because of local climatic, geological, or topographical conditions;" and

WHEREAS, Health and Safety Code Section 17958.7 requires that the City Council, before making the modifications or changes to the Codes, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City is located in a region with a climate system capable of producing uniquely major winds, rain and flood related events and disasters; and

WHEREAS, the City is located in a geologic region where unusually large earthquakes cause extraordinary stresses on buildings and structures and Fire Department resources which require more stringent fire and life safety regulations than would otherwise be required; and

WHEREAS, the City requires the extra margin of safety due to the necessity of providing on site fire and life safety protection in a climatic or seismic emergency;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, in order to provide adequate protection under the unique local geologic and climatic conditions set forth above, the Council City of Eureka makes the following findings and determinations relative to the adoption of more restrictive Building Standards Code provisions than those of 2010 California Fire Code:

RESOLUTION NO. 2010-

Page 2

Section 505.1.1-

Amendment is necessary for local climatic conditions. The amendment requires that for other than one and two family dwellings and individual mobile homes, address numbers shall be a minimum of 6 inches in height. Where buildings are set back from the street, larger numbers may be required. Existing legible identification is excepted. The City of Eureka experiences measurable precipitation an average of 222 day per year, cloudy or foggy skies an average of 224 days per year and annual winter storms. These climatic conditions act to obscure address numbers and deteriorate existing numbers posted on buildings, making them less visible to emergency responders.

Section 505.1.2 –

Amendment is necessary for local climatic conditions. The amendment requires that in multi-tenant buildings individual tenant spaces shall be identified with characters a minimum of 2 inches in height located on the entry door or on the wall at the strike-side of the entry door. Existing legible identification is excepted. The City of Eureka experiences measurable precipitation an average of 222 day per year, cloudy or foggy skies an average of 224 days per year and annual winter storms. These climatic conditions act to obscure tenant space numbers and deteriorate existing numbers on tenant spaces posted on buildings, making them less visible to emergency responders.

Section 506.1.2 –

Amendment is necessary for local geologic and climatic conditions. The amendment requires that approved key boxes shall be installed in new buildings equipped with fire alarm systems, fire sprinkler systems, elevators, and/or as required by 506.1 and that key boxes shall be installed in existing buildings where new fire alarm systems, fire sprinkler systems, and/or elevators are installed, or as required by 506.1. The City of Eureka is located in a highly seismically active area, directly adjacent to the Cascadia Subduction Zone and the Triple Junction of the American, Pacific and the Gorda tectonic plates. Since 1906 there have been approximately 40 earthquakes of a magnitude greater than 6.0 including a 6.5 magnitude earthquake on January 9th, 2010 resulting in approximately \$43 in damages and loss of power to 28,000 local residents. The City of Eureka also experiences measurable precipitation an average of 222 day per year, cloudy or foggy skies an average of 224 days per year and annual winter storms. These geological and climatic conditions can result in the failure and accidental activation of fire alarm systems, fire sprinkler systems, and elevators, requiring access to buildings so equipped to determine if an emergency condition exists, limit property loss, and rescue trapped persons

Section 506.1.3 –

Amendment is necessary for local geologic and climatic conditions. The amendment requires motorized gates providing access to facilities or property shall be provided with an approved gate key switch or other approved means of emergency operation. The switch shall be installed so it will open the gate and the gate will remain in the open position until re-set by the fire department. The City of Eureka is located in a highly seismically active area, directly adjacent to the Cascadia Subduction Zone and the Triple Junction of the American, Pacific and the Gorda tectonic plates. Since 1906 there have been approximately 40 earthquakes of a magnitude greater than 6.0 including a 6.5 magnitude earthquake on January 9th, 2010 resulting in approximately \$43 in damages and loss of power to 28,000 local residents. The City of Eureka also experiences measurable precipitation an average of 222 day per year, cloudy or foggy skies an average of 224 days per year and annual winter storms. These geological and climatic conditions can result in medical emergencies, fires, structural collapses and other emergencies on properties secured by motorized gates requiring access to properties so equipped for emergency response.

Section 903.4.4 –

Amendment is necessary for local geologic conditions. The amendment requires that in addition to the requirements of 903.4, valves on connections to water supplies, sectional control and isolation valves, and other valves in supply pipes to sprinklers and other fixed water-based fire suppression systems shall be locked in the correct position. The City of Eureka is located in a highly seismically active area, directly adjacent to the Cascadia Subduction Zone and the Triple Junction of the American, Pacific and the Gorda tectonic plates. Since 1906 there have been approximately 40 earthquakes of a magnitude greater than 6.0 including a 6.5 magnitude earthquake on January 9th, 2010 resulting in approximately \$43 in damages and loss of power to 28,000 local residents. These geological and climatic conditions can result the failure of domestic water or utility service lines and the accidental or intentional operation of a fire protection system control valves.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the _____ day of _____, 2010 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

Frank Jager, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

David W. Tyson, City Manager

William Bragg, Interim City Attorney

AGENDA SUMMARY**RE:** Adoption of the 2010 California Building Standards Code**FOR AGENDA DATE:** January 4, 2011
AGENDA ITEM NO.: //**RECOMMENDATION:**

1. Waive reading, read by title only, and adopt Bill No. 832-C.S., an ordinance amending Title XV, Chapter 150, Building Regulations, repealing Sections 150.015 through 150.025 and replacing with new sections 150.015 through 150.029, adopting by reference the 2010 editions of the California Building Standards Code and related model codes with appendices and amendments.

SUMMARY:

On December 21, 2010, the City Council introduced Bill No. 832-C.S., an ordinance amending Title XV, Chapter 150, Building Regulations, adopting by reference the 2010 editions of the California Building Standards Code. In addition, the proposed ordinance replaces Eureka Municipal Code (EMC) Sections 150.015 through 150.029. Bill No. 832-C.S. is before the City Council tonight for adoption.


The California Building Standards Commission (BSC) updates and amends the California Building Standards Code every three years. California Health and Safety Code Section 18938 mandates that the most recent edition of this code shall apply to all occupancies throughout the State and shall become effective 180 days after publication in the California Building Standards Code. For this code cycle, the effective date will be January 1, 2011.

Prepared by:


 Brian Gerving, Chief Building Official

Continued page 2

FISCAL IMPACT: None.**DEPARTMENT HEAD SIGNATURE:**

 Mike Knight
 Assistant City Manager
CITY MANAGER SIGNATURE:

 David W. Tyson
 City Manager
REVIEWED BY:
 City Attorney
 Finance
 Fire
DATE:
12/21/2010
12/21/2010
12/29/2010
INITIALS:
WRB
PLG
EG
Council Action:

Ordinance No. _____

Resolution No. _____

SUMMARY (continued):

If approved, Bill No. 832-C.S. adopts the 2010 California Building Standards Code by reference to include:

- 2010 California Building Code (Title 24, Part 2) based on the 2009 International Building Code;
- 2010 California Residential Code (Title 24, Part 2.5) based on the 2009 International Residential Code;
- 2010 California Electrical Code (Title 24, Part 3) based on the 2008 National Electrical Code;
- 2010 California Mechanical Code (Title 24, Part 4) based on the 2009 Uniform Mechanical Code;
- 2010 California Plumbing Code (Title 24, Part 5) based on the 2009 Uniform Plumbing Code;
- 2010 California Energy Code (Title 24, Part 6);
- 2010 California Historical Building Code (Title 24, Part 8);
- 2010 California Fire Code (Title 24, Part 9) based on the 2009 International Fire Code;
- 2010 California Existing Building Code (Title 24, Part 10) based on the 2009 International Existing Building Code;
- 2010 California Green Building Standards Code (Title 24, Part 11);

The 2010 California Building Standards Code incorporates the above referenced model codes, which have been amended by the BSC to increase the safety of the public and to reduce the potential for property damage from fire, earthquakes and other natural or manmade disasters. It has been widely demonstrated where the latest construction codes were adopted and properly enforced, losses were dramatically reduced.

Building fees do not increase by adopting the 2010 California Building Standards Code. Bill No. 832-C.S. provides that building fees will continue to be adopted by resolution. Building fees are contained in the "Schedule of Fees and Service Charges" and considered annually by the City Council.

In addition to adopting the 2010 California Building Standards Code, Bill No. 832-C.S. repeals Sections 150.015 through 150.025 in their entirety and replaces them with new Sections 150.015 through 150.029. Bill No. 832-C.S. renumbers the pertinent sections of the Eureka Municipal Code (EMC) to better align them with the adopted codes.

Of the codes included in this adoption cycle, one is entirely new to the state of California and one is significantly revised. The 2010 California Residential Code (CRC) is based on the International Residential Code, which has been used by nearly every state in the country for as many as ten years. The CRC provides a standalone reference for those working solely with

residential structures. The 2010 California Green Building Standards Code (CALGreen) is intended to lessen the environmental impact of the construction of buildings. CALGreen will be applicable only to new construction, not alterations or additions.

Local governments may amend the building standards contained in California Code of Regulations (CCR), Title 24 for all occupancies, and the regulations of the Department of Housing and Community Development applicable to residential structures. The provisions of law that permit these local government amendments contain subtle differences. Building Standards Law requires the following:

- The governing body of the local government must make express findings that amendments to the building standard contained in CCR, T-24 are necessary because of local climatic, geological or topographical conditions.
- The local government amendments must provide a more restrictive building standard than that contained in CCR, T-24.
- The amendments are neither effective nor operative until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission.

Bill No. 832-C.S. contains two amendments to the California Building Code (CBC). The proposed amendments are found in proposed new EMC Section 150.016. The first amends CBC Chapter 5 by adding new Sections 501.2 and 501.3. These sections change the minimum address number size on buildings from four inches to six inches and add a requirement for individual address numbers on multi-tenant buildings. These changes were made to bring the CBC in line with the California Fire Code, which is being amended in a similar manner by the Fire Department.

The second change to the CBC amends Chapter 18 by adding new Section 1801.1.1 regulating minimum floor elevation and site grading requirements in the City of Eureka. This section sets the minimum floor elevation for new structures at twelve and one-half feet (12.50') and includes several exceptions. The requirement has been in the Eureka Municipal Code to accommodate for historic high tides in combination with significant rain events.

Bill No. 832-C.S. also contains two amendments to the California Residential Code (CRC). The first amends Chapter 4 by removing an exception which allows plain concrete footings. Historically, minimum reinforcement (rebar) has been required in concrete footings. This rebar helps prevent cracking and settlement associated with soft soils and seismic activity. By removing the exception found in the CRC, the amendment will continue what has been a standard construction practice for many years. The second amendment changes Chapter 4 by adding new Section R403.3.1. This section replicates the minimum floor elevation requirement

RE: Adoption of the 2010 California Building Standards Code	FOR AGENDA DATE: JANUARY 4, 2011 AGENDA ITEM NO.: <i>Page 4</i>
--	---

added to the building code.

The Board of Appeals reviewed Bill No. 832-C.S. and the codes considered for adoption at a special meeting on December 3, 2010. After deliberation, the Board voted unanimously to recommend that the City Council introduce and adopt Bill No. 832-C.S.

ATTACHMENTS:

Bill No. 832-C.S.

BILL NO. 832 - C.S.
ORD. NO. ____ - C.S.

AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA MUNICIPAL CODE TITLE 15, CHAPTER 150, REPEALING SECTIONS 150.015 THROUGH 150.025 AND REPLACING WITH NEW SECTIONS 150.015 THROUGH 150.029 ADOPTING BY REFERENCE THE 2010 EDITIONS OF THE CALIFORNIA BUILDING STANDARD CODE AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS ALL RELATING TO BUILDING REGULATIONS.

Be it ordained by the City Council of the City of Eureka as follows:

Section 150.015 through Section 150.025 are repealed in their entirety and replaced with new Sections 150.015 through 150.029 of the Eureka Municipal Code to read as follows:

§ 150.015 CONSTRUCTION CODES ADOPTED.

An ordinance of the City adopting by reference the 2010 editions of the California Building Standards Code and related model codes with appendices as specified, providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all buildings, and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs and solar energy systems in the city; providing for the issuance of permits and collection of fees therefor, providing penalties for the violation thereof, as amended, deleted and/or added to by the provisions of this chapter.

('63 Code, §9-1.101) (Ord. 347-C.S., passed 11-5-81; Am. Ord. 411-C.S., passed 8-21-84; Am. Ord. 479-C.S., passed 11-3-88; Am. Ord. 511-C.S., passed 5-3-90; Am. Ord. 549-C.S., passed 9-3-92; Am. Ord. 560-C.S., passed 10-7-93; Am. Ord. 603-C.S., passed 1-16-96; Am. Ord. 605-C.S., passed 3-5-96; Am. Ord. 617-C.S., passed 6-3-97; Am. Ord. 630-C.S., passed 6-15-99; Am. Ord. 640-C.S., passed 3-6-01; Am. Ord. 662-C.S., passed 10-15-02; Am. Ord. 685-C.S., passed 2-2-05; Am. Ord. 699-C.S., passed 8-16-05; Am. Ord. 719-C.S., passed 1-15-08)

§ 150.016 CALIFORNIA BUILDING CODE ADOPTED.

(A) Except as provided in this chapter, those certain building codes known and designated as the California Building Code, 2010 Edition, (Part 2 of Title 24) Volumes 1 and 2, including Chapter 1 Division II Administration (except those sections noted below), Appendix I Patio Covers and Appendix J Grading, based on the 2009

International Building Code as published by the International Code Council, shall become the building codes of the City of Eureka for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the city, except those classified one and two family dwellings or townhouses and structures accessory thereto. Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, and 101.4.5 are not adopted. The California Building Code and its appendices shall be on file for public examination in the office of the Building Official.

(B) *Amendments to the California Building Code.* The California Building Code is hereby amended as follows:

Section 501.2 is hereby amended to read as follows:

§ 501.2 Address identification. For other than one and two family dwellings, new and existing buildings shall be provided with approved address numbers or letters. Each character shall be a minimum 6 inches (152.4 mm) high and a minimum of 0.5 inches (12.7 mm) wide. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure.

Exception: Existing legible identification.

Section 501.3 is hereby added to read as follows:

§ 501.3 Address identification for multi-tenant buildings. In multi-tenant buildings, individual tenant spaces shall be identified with characters a minimum of 2 inches in height located on the entry door or on the wall at the strike side of the entry door.

Exception: Existing legible identification.

Section 1808.1.1 is hereby added to Chapter 18 to read as follows:

§ 1808.1.1 Minimum floor elevation and site grading requirements. The ground floor level of all buildings, building enlargements, or extensions of structures shall be at a minimum elevation of twelve and one-half feet (12.50') based on City of Eureka Datum. In addition, the site shall be graded to drain to the adjacent design finish grade of streets or alleyways.

EXCEPTIONS:

1. The provisions of this section shall not apply to general areas protected by dikes, if approved by the Building Official and the Director of Public Works or to areas where the existing ground elevation exceeds twelve and one-half feet (12.50') based upon city datum. This section shall not be construed to be applicable to dikes for individual properties.

2. In areas where a setback from property lines is not required and is not proposed, the ground floor level of all buildings, building enlargements or extensions of structures may be reduced upon documentation that flooding to the building and adjacent property as a result of the development will not occur as prepared by a Registered Civil Engineer and approved by the Building Official and Director of Public Works. In no event, however, will the ground floor level be less than an elevation of eleven feet (11.00') based upon city datum.

3. Exceptions may be granted upon documentation of adequate measures to preclude flooding to the subject property and adjacent properties. Documentation shall be provided by a Registered Civil Engineer and approved by the Building Official and Director of Public Works.

(Ord. 719-C.S., passed 1-15-08)

§ 150.017 CALIFORNIA RESIDENTIAL CODE ADOPTED.

(A) Except as provided in this chapter, those certain building codes known and designated as the California Residential Code, 2010 Edition, (Part 2.5 of Title 24), including Appendix H Patio Covers, based on the 2009 International Residential Code as published by the International Code Council, shall become the building codes of the City of Eureka for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all one and two family dwellings or townhouses and structures accessory thereto in the city. The California Residential Code and its appendices shall be on file for public examination in the office of the Building Official.

(B) *Amendments to the California Residential Code.* The California Residential Code is hereby amended as follows:

The exception to Section R403.1.3 allowing plain concrete footings for detached one- and two- family dwellings which are three stories or less in height is removed.

Subsection R403.3.1 is hereby added to Chapter 4 to read as follows:

§ R403.3.1 Minimum Floor Elevation and Site Grading Requirements. The ground floor level of all buildings, building enlargements, or extensions of structures shall be at a minimum elevation of twelve and one-half feet (12.50') based on City of Eureka Datum. In addition, the site shall be graded to drain to the adjacent design finish grade of streets or alleyways.

EXCEPTIONS:

1. The provisions of this section shall not apply to general areas protected by dikes, if approved by the Building Official and the Director of Public Works or to areas where

the existing ground elevation exceeds twelve and one-half feet (12.50') based upon city datum. This section shall not be construed to be applicable to dikes for individual properties.

2. In areas where a setback from property lines is not required and is not proposed, the ground floor level of all buildings, building enlargements or extensions of structures may be reduced upon documentation that flooding to the building and adjacent property as a result of the development will not occur as prepared by a Registered Civil Engineer and approved by the Building Official and Director of Public Works. In no event, however, will the ground floor level be less than an elevation of eleven feet (11.00') based upon city datum.

3. Exceptions may be granted upon documentation of adequate measures to preclude flooding to the subject property and adjacent properties. Documentation shall be provided by a Registered Civil Engineer and approved by the Building Official and Director of Public Works.

§ 150.018 CALIFORNIA ELECTRICAL CODE ADOPTED.

Except as provided in this chapter, the California Electrical Code, 2010 Edition, (Part 3 of Title 24) based on the 2008 National Electrical Code as published by the National Fire Protection Association (NFPA), shall be and become the Electrical Code of the City of Eureka, regulating all installation, arrangement, alteration, repair, use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the city. The California Electrical Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.019 CALIFORNIA MECHANICAL CODE ADOPTED.

Except as provided in this chapter, the California Mechanical Code, 2010 Edition, (Part 4 Title 24) based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City of Eureka, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. The California Mechanical Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.020 CALIFORNIA PLUMBING CODE ADOPTED.

Except as provided in this chapter, the California Plumbing Code, 2010 Edition, (Part 5 of Title 24) based on the 2009 Uniform Plumbing Code as published by IAPMO, shall

be and become the Plumbing Code of the City of Eureka, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the city. The California Plumbing Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.021 CALIFORNIA ENERGY CODE ADOPTED.

Except as provided in this chapter, the California Energy Code, (Part 6 of Title 24) 2010 Edition, is hereby adopted to provide regulations for energy efficiency in all structures within the City of Eureka, including additions and alterations thereto. The California Energy Code shall be on file for public examination in the office of the Building Official.

§ 150.022 RESERVED

§ 150.023 CALIFORNIA HISTORICAL BUILDING CODE ADOPTED.

Except as provided in this chapter, the California Historical Building Code, (Part 8 of Title 24) 2010 Edition, contained in California Building Code Volume 2, is hereby adopted to provide regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings for properties within the City of Eureka. The California Historical Building Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.024 CALIFORNIA FIRE CODE ADOPTED.

(A) Except as provided in this chapter, the California Fire Code, 2010 Edition, (Part 9 of Title 24) based on the 2009 International Fire Code as published by the International Code Council, shall be and become the Fire Code of the City of Eureka, to establish the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in the new and existing buildings, structures, and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations. The California Fire Code shall be on file for public examination in the office of the Fire Marshal.

(B) *Amendments to the California Fire Code.* Amendments to the 2010 California Fire Code are found and listed in § 92.02.

(Ord. 719-C.S., passed 1-15-08)

§ 150.025 CALIFORNIA EXISTING BUILDING CODE ADOPTED.

Except as provided in this chapter, the 2010 California Existing Building Code Appendix A-1 (Part 10 of Title 24) based on the 2009 International Existing Building Code as published by the International Code Council, shall become the Existing Building Code of the City of Eureka for regulating existing unreinforced masonry (URM) buildings in the city. The California Existing Building Code shall be on file for public examination in the office of the Building Official.

(Ord. 719-C.S., passed 1-15-08)

§ 150.026 CALIFORNIA GREEN BUILDING STANDARDS CODE ADOPTED.

Except as provided in this chapter, the California Green Building Standards Code (CALGreen), (Part 11 of Title 24) 2010 Edition, is hereby adopted to provide regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings in the City of Eureka. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

§ 150.027 UNIFORM HOUSING CODE ADOPTED.

The Uniform Housing Code of the International Conference of Building Officials, 1997 edition, is hereby adopted by reference, with the exception of any provisions of that Code that conflict with or are less stringent than any section or sections of the Eureka Municipal Code.

(Ord. 736-C.S., passed 2-3-09)

§ 150.028 PERMIT FEES.

Permit fees are adopted by resolution.

(Ord. 719-C.S., passed 1-15-08)

§ 150.029 BOARD OF APPEALS.

(A) In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of the California Building Codes and the California Fire Code, there shall be and is hereby created a Board of Appeals, consisting of seven members, five of whom shall be qualified by experience and training in matters pertaining to building construction and two of whom may, but need not be qualified by experience and training in matters pertaining to building construction. The members of the Board of Appeals shall be appointed by the Mayor with the approval of the Council. The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and

findings in writing to the appellant, with a duplicate copy to the Building Official, and may recommend to the Council such new legislation as is consistent therewith. The Building Official or his or her designee shall be the Executive Secretary of the Board of Appeals, except when matters pertaining to an appeal from the provisions of the California Fire Code are being considered, the Fire Chief of the City of Eureka or his or her designee shall serve as the Executive Secretary of the Board.

(B) The Board of Appeals shall review annually the various construction codes listed in this chapter and the California Fire Code listed in Chapter 92 of the Eureka Municipal Code together with the later editions and revisions of these codes as they become available and shall recommend to the City Council the adoption of such editions or amendments as the Board deems necessary.

(C) *Limitations of authority.* The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of this Code.

(Ord. 719-C.S., passed 1-15-08)

AGENDA SUMMARY**RE: State Video Service Franchises Ordinance
(aka "DIVCA Ordinance")****FOR AGENDA DATE: Jan. 4, 2011****AGENDA ITEM NO.:**12**RECOMMENDATION:**

Waive reading, read by title only, and adopt Bill No.831-CS adding Sections 114.57-114.64 (STATE VIDEO SERVICE FRANCHISES) to Chapter 114 of Title XI of the Eureka Municipal Code, which implements the provisions of the Digital Infrastructure and Video Competition Act of 2006, codified in the California Public Utilities Code Section 5800 ET SEQ., which the City is required to administer and enforce throughout the City.

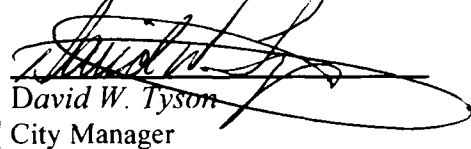
SUMMARY:

In 2004, the City Council adopted an Enabling Ordinance for cable television franchises. This ordinance was the result of recommendations made by the Buske Group consultancy pursuant to a 2002 engagement in which the County of Humboldt cooperated with the cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna and Rio Dell as part of the franchise renewal process for the incumbent cable provider. Pursuant to that ordinance, on March 21, 2006, the Board of Supervisors and City Councils approved a cable franchise renewal and transfer to the current provider, now known as Suddenlink Communications.

Despite opposition by local governments, on September 29, 2006, the State Legislature passed, and Governor Schwarzenegger signed into law, the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). DIVCA largely replaces the local issuance of cable television franchises with a system in which video franchises are issued by the California Public Utilities Commission.

*Continued page 2***FISCAL IMPACT:**

No Fiscal Impact with the Recommended Action.

CITY MANAGER SIGNATURE:

David W. Tyson
City Manager

REVIEWED BY:**DATE:****INITIALS:**

City Attorney

12-22-10DT**Council Action:**

Ordinance No. _____

Resolution No. _____

**RE: State Video Service Franchises Ordinance
(aka "DIVCA Ordinance")**

**FOR AGENDA DATE: JAN. 4, 2011
AGENDA ITEM NO.:**
Page 2

SUMMARY *(continued)*

DIVCA did not abolish existing cable television franchises entered into prior to its adoption, and important public protections and benefits are "grandfathered" under DIVCA. Current County and City franchises are in effect to 2014 for Suddenlink, at which time a State Video Service Franchise is anticipated. Notably, DIVCA does provide circumstances under which a cable television provider may withdraw from a local franchise before the term ends and enter into a State franchise sooner.

In order to protect the interests of the Cities and the County of Humboldt when local cable franchises are eventually superseded by State Video Service Franchises, the Buske Group has prepared language for a new, DIVCA-compliant ordinance. Last Fall, Access Humboldt convened a workshop in Eureka for local cable franchise authorities to discuss public policy considerations of DIVCA implementation.

The attached "State Video Service Franchises" Ordinance will supplement, not replace, the existing City ordinances adopted in 2004, with provisions that address: franchise fees; customer service; permits and construction; emergency alert system; and public, educational and government access channel capacity, support, interconnection, and signal carriage.

Staff recommends the City Council introduce the attached "State Video Service Franchises" ordinance.

Attachments:

State Video Service Franchises Ordinance
Implementing DIVCA, the Digital and Video Competition Act of 2006

BILL NO. 831-CS

ORDINANCE NO. _____

AN ORDINANCE ADDING SECTIONS 114.57-114.64 (STATE VIDEO SERVICE FRANCHISES) TO CHAPTER 114 OF TITLE XI OF THE EUREKA MUNICIPAL CODE, WHICH IMPLEMENTS THE PROVISIONS OF THE DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT OF 2006, CODIFIED IN CALIFORNIA PUBLIC UTILITIES CODE SECTION 5800 ET SEQ., WHICH THE CITY IS REQUIRED TO ADMINISTER AND ENFORCE THROUGHOUT THE CITY.

The City Council of the City of Eureka does ordain as follows:

Section 1. The City Council of the City of Eureka does hereby add the following Sections to Chapter 114 of Title XI of the Eureka Municipal Code.

STATE VIDEO SERVICE FRANCHISES

SECTIONS:

- | | |
|---------------|---|
| 114.57 | GENERAL PROVISIONS |
| 114.58 | DEFINITIONS |
| 114.59 | FRANCHISE FEES |
| 114.60 | CUSTOMER SERVICE |
| 114.61 | PERMITS AND CONSTRUCTION |
| 114.62 | EMERGENCY ALERT SYSTEM |
| 114.63 | PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CHANNEL CAPACITY, SUPPORT, INTERCONNECTION, AND SIGNAL CARRIAGE |
| 114.64 | NOTICES |

114.57 GENERAL PROVISIONS

(A). Purpose. This Section is applicable to video service providers who have been awarded a state video franchise under the California Public Utilities Code section 5800 *et seq.* (the Digital Infrastructure and Video Competition Act of 2006 ["DIVCA"]), to provide cable or video services in any location(s) within the incorporated boundaries of the City. It is the purpose of this Section to implement within the incorporated boundaries of the City the provisions of DIVCA and the rules of the California Public Utilities Commission promulgated there under that are applicable to a "local franchising entity" or a "local entity" as defined in DIVCA.

(B). Rights Reserved.

(1). The rights reserved to the City under this Section 114.57 are in addition to all other rights of the City, whether reserved by this Chapter 114 or authorized by law, and no action, proceeding or exercise of a right shall affect any other rights which may be held by the City.

(2). Except as otherwise provided by DIVCA, a state franchise shall not include, or be a substitute for:

(a). compliance with applicable requirements for the privilege of transacting and carrying on a business within the City, including, but not limited to, compliance with the conditions that the City may establish before facilities may be constructed for, or providing, non-video services;

(b). any permit or authorization required in connection with operations on or in public rights-of-way or public property, including, but not limited to, encroachment permits, street work permits, pole attachment permits and street cut permits; and

(c). any permit, agreement or authorization for occupying any other property of the City or any private person to which access is not specifically granted by the state franchise.

(3). No permit issued by the City to a state franchise holder is itself a franchise, nor shall any permit create a vested right that would prohibit the City from revoking or amending the permit.

(C). Compliance with City Ordinances. Nothing contained in Sections 114.57-114.64 shall be construed so as to exempt a state franchise holder from compliance with all ordinances, rules or regulations of the City now in effect or which may be hereafter adopted which are consistent with these Sections 114.57-114.64 or California Public Utilities Code section 5800 *et seq.*, or any obligations under any franchise issued by the City insofar as those obligations may be enforced under California Public Utilities Code section 5800 *et seq.*

(D). Compliance with DIVCA. When a video service provider holding a state franchise provides notice to the City pursuant to 5840(m) of DIVCA that it is commencing to provide video service to the City, a holder of a local franchise is entitled to seek a state franchise pursuant to 5930 (c) and the upon issuance of a state franchise by the California Public Utilities Commission for the franchise area the local franchise shall terminate.

114.58 DEFINITIONS

(A). Definitions Generally -- Interpretation of Language. For purposes of Sections 114.57-114.64 the following terms, phrases, words, and their derivations shall have the meaning given in this Section. Words not defined in this Section shall have the same meaning as established in: (1) DIVCA, and if not defined therein, (2) California Public Utilities Commission rules implementing DIVCA, and if not defined therein, (3) Title VI of Title 47 of the Communications Act of 1934, as amended, 47USC § 521 et. seq., and if not defined therein (4) their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and "including" and "include" are not limiting. The words "shall" and "will" are always mandatory, but the use of those terms grants no private rights to any person with respect to the City. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority. If specific provisions of law referred to herein are renumbered, then the reference shall be read to refer to the renumbered provision. References to laws, ordinances or regulations shall be interpreted broadly to cover government actions, however nominated, and include laws, ordinances and regulations now in force or hereinafter enacted or amended.

(1.) "Gross revenues" means all revenues actually received by the holder of a state franchise or its affiliates that are derived from the operation of the holder's network to provide cable service or video service within the incorporated areas of the City.

(2.) "PEG access," or "PEG" means the availability of a cable or state franchise holder's system for public, educational, or governmental use by various agencies, institutions, organizations, groups, and individuals, including organizations, groups, or individual members of the general public, educational institutions, and the City and its designated access providers, to acquire, create, and distribute programming not under a state franchise holder's editorial control.

(3.). "State franchise holder" means a cable operator or video service provider that has been issued a franchise by the California Public Utilities Commission to provide cable service or video service, as those terms are defined in California Public Utilities Code section 5830, within any portion of the incorporated limits of the City.

114.59 FRANCHISE FEES

(A). State Franchise Fees. Any state franchise holder operating within the incorporated areas of the City shall pay to the City a state franchise fee equal to five percent (5%) of gross revenues that may be subject to a franchise fee under California Public Utilities Code section 5860.

(B). Payment of Franchise Fees. The state franchise fee required pursuant to this Section 114.59 shall be paid quarterly, in a manner consistent with California Public Utilities Code section 5860. The state franchise holder shall deliver to the City, by check or other means, which shall be agreed to by the City, a separate payment for the state franchise fee not later than forty-five (45) days after the end of each calendar quarter. Each payment made shall be accompanied by a report, detailing how the payment was calculated, and shall include such additional information on the appropriate form as designated by the City.

(C). Examination of Business Records. The City may examine the business records of the holder of a state franchise in a manner consistent with California Public Utilities Code section 5860(i).

(D). Late Payments. In the event a state franchise holder fails to make payments required by this Section 114.59 on or before the due dates specified herein, the City shall impose a late charge at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%).

114.60 CUSTOMER SERVICE

(A). Customer Service Standards. A state franchise holder shall comply with Sections 53055, 53055.1, 53055.2 and 53088.2 of the California Government Code; the FCC customer service and notice standards set forth in Sections 76.309, 76.1602, 76.1603, and 76.1619 of Title 47 of the Code of Federal Regulations; Section 637.5 of the California Penal Code; the privacy standards of Section 551 of Title 47 of the United States Code; and, to the extent consistent with DIVCA, all other applicable state and federal customer service and consumer protection standards pertaining to the provision of video service, include any such standards hereafter adopted. In case of a conflict, the stricter standard shall apply. All customer service and consumer protection standards under this paragraph shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.

(B). Penalties for Violations of Standards. The City shall enforce the compliance of state franchise holders with respect to the state and federal customer service and consumer protection standards set forth in this Section 114.60. The City will provide a state franchise holder with a written notice of any alleged material breaches, as defined in California Public Utilities Code section 5900, of applicable customer service or consumer protection standards, and will allow the state franchise holder 30 days from the receipt of the notice to remedy the specified material breach. Material breaches not remedied by a state franchise holder within the 30-day time period, irrespective of the number of customers affected, will be subject to the following penalties to be imposed by the City:

(1.). For the first occurrence of a material breach, a fine of \$500 may be imposed for each day the violation remains in effect, not to exceed \$1,500 for each violation.

(2.). For a second material breach of the same nature within 12 months, a fine of \$1,000 may be imposed for each day the violation remains in effect, not to exceed \$3,000 for each violation.

(3.). For a third material breach of the same nature within 12 months, a fine of \$2,500 may be imposed for each day the violation remains in effect, not to exceed \$7,500 for each violation.

(C). Any penalties imposed by the City shall be imposed in a manner consistent with California Public Utilities Code section 5900.

114.61 PERMITS AND CONSTRUCTION

(A). Except as expressly provided in this Section 114.61, all provisions of Title IX Chapter 98 (Streets and Sidewalks) of the Eureka Municipal Code, and all City administrative rules and regulations developed to any of these provisions, as now existing or as hereafter amended, shall apply to all work performed by or on behalf of a state franchise holder on any City public rights-of-way, public property, or City easement.

(B). Permits. Prior to commencing any work for which a permit is required by Title IX Chapter 98, a state franchise holder shall apply for and obtain a permit in accordance with the provisions of Chapter 20 and shall comply with all other applicable laws and regulations, including but not limited to all applicable requirements of Division 13 of the California Public Resources Code, section 21000, *et seq.* (the California Environmental Quality Act).

(C). The City Manager shall either approve or deny state franchise holder's application for any permit required under Title IX Chapter 98 within sixty (60) days of receiving a completed permit application from the state franchise holder.

(D). If the City Manager denies a state franchise holder's application for a permit, the City Manager shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

(E). A state franchise holder that has been denied a permit by final decision of the City Manager may appeal the denial to the City Council. Upon receiving a notice of appeal, the City Council shall take one of the following actions:

- (1.) Affirm the action of the City Manager without any further hearing; or
- (2.) Refer the matter back to the City Manager for further review with or without instructions; or

(D). In rendering its decision on the appeal, the City Council shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the City Manager unless the City Council is itself conducting a public hearing on the matter.

(F). The issuance of a permit is not a franchise, and does not grant any vested rights in any location in the public rights-of-way, or in any particular manner of placement within the rights-of-way. Without limitation, a permit to place cabinets and similar appurtenances aboveground may be revoked and the permittee required to place facilities underground, in accordance with applicable law.

114.62 EMERGENCY ALERT SYSTEM

Each state franchise holder shall comply with the emergency alert system requirements of the Federal Communications Commission in order that emergency messages may be distributed over the state franchise holder's network. As such capability was required under local franchises in effect in the City on January 1 to December 30, 2006 and as consistent with Public Utilities Code Section 5880, each state franchise holder shall install and maintain equipment to allow the Humboldt County Emergency Management Office to air audio and video messages on the video system to alert Subscribers to emergency situations. This capability shall be remotely activated without the assistance of

the state franchise holder and shall allow a representative of the City to override the audio and video on all channels, except those where Grantee has, consistent with FCC regulations, agreed with the broadcaster, not to override the channel for EAS messages.

114.63 PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS CHANNEL CAPACITY, SUPPORT, INTERCONNECTION, AND SIGNAL CARRIAGE

(A). PEG Channel Capacity.

(1.). A state franchise holder shall designate a sufficient amount of capacity on its network to allow the provision of four (4) PEG channels to satisfy the requirement of section 5870 of the California Public Utilities Code, within the time limits specified therein.

(2.). A state franchise holder shall provide an additional PEG channel when the City satisfies the standards set forth in Section 5870(d) of the California Public Utilities Code or any entity designated by the City to manage one or more of the PEG channels.

(B.) PEG Support.

(1). Amount of PEG Support Fee. Any state franchise holder shall pay to the City -- or if directed by the City, to the City's designated PEG provider -- a PEG fee equal to three (3%) percent of gross revenues, an amount equivalent to the level of PEG funding remitted by the incumbent cable operator to the City's designated PEG provider during the period of January 1, 2006 to December 30, 2006.

(2). The PEG support fee shall be used for PEG activities, in a manner that is consistent with the terms of the incumbent cable operator's franchise during the period of January 1, 2006 to December 30, 2006 and settlements.

(3). A state franchise holder shall remit the PEG support fee quarterly, within forty-five days after the end of each calendar quarter. Each payment made shall be accompanied by a summary, detailing how the PEG support fee was calculated.

(4). In the event that a state franchise holder fails to pay the PEG support fee when due, or underpays the proper amount due, the state franchise holder shall pay interest at the rate per year equal to the highest prime lending rate during the period of delinquency, plus one percent (1%), or the maximum rate specified by state law.

(C). PEG Carriage and Interconnection.

(1). As set forth in Sections 5870(b) and 5870(g)(3) of the California Public Utilities Code, state franchise holders shall ensure that all PEG channels are receivable by all subscribers, whether they receive digital or analog service, or a combination thereof, without the need for any equipment other than that needed to receive the lowest cost tier of service. PEG access capacity provided by a state franchise holder shall be of similar quality and functionality to that offered by commercial channels (unless the PEG signal is provided to the state franchise holder at a lower quality or with less functionality), shall be capable of carrying a National Television System Committee (NTSC) television signal, and shall be carried on the state franchise holder's lowest cost tier of service. To the extent feasible, the PEG channels shall not be separated numerically from other channels carried on the lowest

cost tier of service and the channel numbers for the PEG channels shall be the same channel numbers used by any incumbent cable operator, unless prohibited by federal law. After the initial designation of the PEG channel numbers, the channel numbers shall not be changed without the agreement of the City unless federal law requires the change.

(2). Where technically feasible, each state franchise holder and each incumbent cable operator shall negotiate in good faith to interconnect their networks for the purpose of providing PEG programming. Interconnection may be accomplished by any means authorized under Public Utilities Code section 5870(h). Each state franchise holder and incumbent cable operator shall provide interconnection of PEG channels on reasonable terms and conditions and may not withhold the interconnection. If a state franchise holder and an incumbent cable operator cannot reach a mutually acceptable interconnection agreement for PEG carriage, the City may require the incumbent cable operator to allow each state franchise holder to interconnect its network with the incumbent cable operator's network at a technically feasible point on the state franchise holder's network as identified by the state franchise holder. If no technically feasible point of interconnection is available, each state franchise holder shall make interconnection available to each PEG channel originator programming a channel in the City and shall provide the facilities necessary for the interconnection. The cost of any interconnection shall be borne by each state franchise holder requesting the interconnection unless otherwise agreed to by the parties.

114.64 NOTICES

(A). Each state franchise holder or applicant for a state franchise shall file with the City a copy of all applications or notices that the state franchise holder or applicant are required to file with the California Public Utilities Commission.

(B). Unless otherwise specified in this Section, all notices or other documentation that a state franchise holder is required to provide to the City under this Section or the California Public Utilities Code shall be provided to both the City Manager and the City staff person in charge of cable and telecommunications, or their successors or designees.

Section 2. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior city ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 4. This Ordinance shall go into effect and be in full force and operation thirty

(30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Passed, approved, and adopted by the Council of the City of Eureka, County of Humboldt, State of California, on the ____ day of _____, 2011, by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

MAYOR OF THE CITY OF EUREKA

The above ordinance was submitted to me on the ____ day of _____, 2010, and I hereby approve the same.

Frank Jager, Mayor

ATTEST:

Pamela Powell, City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

David W. Tyson, City Manager

Bill Bragg, City Attorney

“State Video Service Franchises” Ordinance
Implementing DIVCA, the Digital and Video Competition Act of 2006

OUTLINE for County of Humboldt and Cities, California

A “State Video Service Franchises” ordinance is proposed for County of Humboldt and Cities of Eureka, Arcata, Fortuna, Rio Dell, Ferndale, Blue Lake and Trinidad. Adoption is recommended.

Background:

To utilize public rights of way, cable operators have been required to hold a local franchise and to compensate local jurisdictions in the form of franchise fees and public interest obligations - customer service and community media access requirements. **DIVCA substantially shifts franchise authority to the State.**

County of Humboldt and Cities (except for Trinidad) have identical local cable franchises and share similar cable TV franchise ordinances securing important public benefits that include: franchise fees; customer service obligations; local permits and construction codes; emergency alert system requirements; and, support for public education and government media access.

The Digital Infrastructure and Video Competition Act (DIVCA) was passed in 2006, changing the regulatory landscape for cable TV in California – providing for State level franchising with only ministerial oversight and nearly automatic State video service franchises issued by the Public Utilities Commission (CPUC). CPUC has already granted State Video Franchises for AT&T and Redwood Tel (though neither company currently operates video service in Humboldt County).

State Video Service Franchise – Provisions

- 10 year term with **legacy obligations**
- time, place & manner regulations
- encroachment, permit & inspection fees
- LFA retains customer service enforcement obligation
- Penalties now split with State Digital Divide Account
- 5% Franchise Fee subject to audit
- current PEG channels retained plus more if use levels met
- PEG access funding continues (2006 level, 3% is cap)

To secure the interests of local jurisdictions under DIVCA, a model “State Video Service Franchises” Ordinance was drafted by Buske Group, based on existing code for City of Eureka. And a workshop was convened by Access Humboldt for local policy review. The result is a proposed draft Ordinance, submitted for consideration by the Cities and the County of Humboldt.

AGENDA SUMMARY

**RE: The Greater Eureka Chamber of Commerce
Funding Agreement**

For Agenda Date: January 4, 2011

Agenda Item No.:

13

RECOMMENDATION:

Pursuant to Sections 10 & 11 of the Funding Agreement between the City of Eureka and the Greater Eureka Chamber of Commerce (Chamber), it is recommended that Council authorize the City Manager to:

- 1) Notify the Chamber of the City's desire to extend our "Funding Agreement" for an additional year, effective January 1, 2011;
- 2) Authorize payment for approved expenditures made in accordance with the Chamber's Comprehensive Marketing plan and annual budget in an amount equal to approximately 7.5% of the City's Transient Occupancy Tax (TOT), and not to exceed \$100,000 per the City's approved budget.

SUMMARY OF THE ISSUE:

This item was carried forward from your last Council meeting for consideration at this meeting.

The City currently contracts with the Greater Eureka Chamber of Commerce to provide a number of services intended to increase the positive impacts of visitor spending. For their services, the City has a 2010/2011 budget equivalent to approximately seven and one-half percent (7.5%) or approximately \$100,000 of the City's Transient Occupancy Tax (TOT).

The current funding agreement between the City and the Chamber requires an annual review by the City of a Comprehensive Marketing Plan (Plan) provided by the Chamber. Within 45 days of the receipt of the Plan the City is required to notify the Chamber of the City's decision to extend the current agreement.

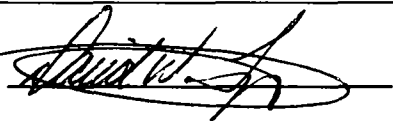
The Chamber's 2011 Visitor Services Plan includes the following components:

- Enhance the economic benefit generated from the Chamber Visitor Center;
- Increase the shopping, recreational, entertainment and cultural information provided to visitors;

FISCAL IMPACT:

The funds necessary to fulfill the City's financial obligations included in the funding agreement are allocated each fiscal year from the City's General Fund. The budgetary impact is approximately \$100,000 for the 2010-2011 fiscal year.

CM SIGN:



REVIEWED BY:

DATE: INITIALS:

**City Attorney
Finance Department**

COUNCIL ACTION:

Ordinance No.

Resolution No.

City of Eureka

AGENDA SUMMARY

**RE: The Greater Eureka Chamber of Commerce
Funding Agreement**

Agenda Summary Date: January 4, 2011

Page 2

SUMMARY OF THE ISSUE, cont.

- Increase Performance Measurement Mechanisms;
- Production and distribution of Eureka-related collateral materials;
- A public awareness campaign promoting the value of visitor spending;
- Regional promotion and distribution;
- Economic development linkages;
- Evaluation and measurement; and
- Funding requirements and budget.

Performance indicators for the 2010 calendar year saw direct informational contacts of 21,576, which was consistent with 2090 Web site activity increased 4.5% over the previous year to a projected 90,501 unique visitors.

Sections 10 & 11 of our funding agreement with the Chamber provide that we may either extend the agreement for the next calendar year or provide written notice of non-extension which provides another year under the current agreement and expires December 31, 2010. In recognition of our current budget situation, this would give the City and Chamber time to negotiate a new funding agreement with different terms, or for funding to cease completely.

Based upon review of the proposed Visitor Services Plan, the City Council can continue the City's investment in the Greater Eureka Chamber of Commerce or provide notice that it does not wish to extend the agreement beyond December 31, 2011.

Pursuant to Sections 10 & 11 of the Funding Agreement between the City of Eureka and the Greater Eureka Chamber of Commerce (Chamber) the Council can either authorize the City Manager to:

- Notify the Chamber of the City's desire to extend our "Funding Agreement" for an additional year, effective January 1, 2010, or , to allow renegotiation of the agreement due to the City's current budget situation;
- Provide written notice to the Chamber that the City does not wish to extend the term of this agreement for an additional year following the one year period commencing January 1, 2010, and ending on December 31, 2010.

RECOMMENDATION:

- 1) Notify the Chamber of the City's desire to extend our "Funding Agreement" for an additional year, effective January 1, 2011;
- 2) Authorize payment for approved expenditures made in accordance with the Chamber's Comprehensive Marketing plan and annual budget in an amount equal to approximately 7.5% of the City's Transient Occupancy Tax (TOT), and not to exceed \$100,000 per the City's approved budget.

MARKETING AGREEMENT

EUREKA CHAMBER OF COMMERCE

This agreement is executed on January 1, 2011, by and between the City of Eureka, a Municipal Corporation of the State of California, hereinafter referred to as "City", and the Eureka Chamber of Commerce, hereinafter referred to as "Chamber".

Whereas, the City of Eureka wishes to expand economic development in the Eureka area by utilizing the resources of the private sector; and

Whereas, the Eureka Chamber of Commerce wishes to provide, through its membership and by other means, private sector resources to assist the City to promote and expand the economic base in the Eureka area; and

Whereas, City wishes to establish conditions applicable to the promotion of economic development; and

Whereas, The parties hereto have previously entered into agreements to facilitate cooperation in funding between them,

Now, Therefore, it is agreed as follows:

1. Purpose of Allocation. The specific purpose of this allocation is to provide payment for Chamber costs incurred in evaluating, identifying, and attracting commerce and industry to the City of Eureka, County of Humboldt.

(a) Amount. For each fiscal year this Agreement is in effect, City hereby agrees to allocate to Chamber an amount equal to 7.50 percent of the gross revenues of the Transient Occupancy Tax (TOT) recorded (in accordance to generally accepted accounting principles) by the City for the previous fiscal year. For Fiscal Year 2010/11 this amount shall not exceed \$100,000. The amount allocated shall be adjusted to include any late TOT payments and/or penalties. This allocation shall be reserved by City to pay all approved expenditures made in accordance with the Chamber's Comprehensive Marketing Plan and annual budget.

(b) Method of Payment. City agrees to pay quarterly to the Chamber one-fourth (1/4th) of the yearly amount specified in Section 1(a). Said payment shall be made within thirty (30) days of the quarter ending date (August 1st, November 1st, February 1st, and May 1st) and shall represent the City's payment obligation under this Agreement for the previous quarter's work done by the Chamber.

2. Administration of Agreement. The City Manager is hereby designated by administer this agreement on behalf of City and is hereby authorized to make any determination on behalf of City necessary for implementation of the provisions of this agreement.
3. Chamber Responsibilities. In consideration of these funds, Chamber agrees to:
 - (a) Carry out the program and services as described in paragraph number 1 above (Purpose of Allocation).
 - (b) Retain the records relative to this agreement for three (3) years after termination of this agreement or until all audits are completed for the fiscal years during which this agreement is in effect, whichever is later.
 - (c) Provide to City on an annual basis, a written summary containing in performance terms a review of services provided, special results achieved, areas of needed change, areas in which future services or procedures could be improved, and for those objectives not achieved the reasons therefore. Chamber shall also provide City on a timely basis as specified by City any other written reports and responses which City shall reasonable request.
4. Audits. City shall have the right to monitor and audit all work performed under this agreement. City will notify Chamber in writing within thirty (30) days of any potential exceptions discovered during such audits. Where such findings indicate that agreement requirements are not being met, upon such written notification Chamber promises to take appropriate corrective action immediately.
5. Title to Equipment. Any equipment acquired with allocation funds under this agreement shall be deemed the property of City. Upon termination of this agreement Chamber may continue to use said equipment for so long as the program for which the funds were provided continues to be conducted by Chamber. If the program ceases to be conducted by Chamber, said property shall be returned to City.
6. Copyrights, Patents. If this agreement results in a book or other copyrightable material, the author is free to copyright the work but City reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, all copyright material and all materials, which can be copyrighted. A discovery or invention arising out of or developed in the course of work aided by this agreement shall promptly and fully be reported to City for determination as to whether patent protection of such invention or discovery shall be sought and how the rights of the invention or discovery,

including rights under any patent issued thereon, shall be disposed of and administered in order to protect the public interest.

7. Insurance. The Chamber shall, at its own expense, take out and keep in full force during the continuance of this contract:

(a) A comprehensive general liability insurance policy, with minimum limits of \$2,000,000 combined single limit (CSL). Insurance must be placed with a company or companies approved by the City of Eureka and BEST rated A, VII or Better. Such policy must be endorsed to include the following provisions:

- (i) A statement that includes the following language:

"The City of Eureka is included as an additional insured including its officers, officials, employees, and volunteer's."

- (ii) A statement acknowledging the insured's insurance as primary as respects the City of Eureka and that any other insurance maintained by the City of Eureka Shall be in excess of the insured's insurance, and shall not be called upon to contribute with the insurance of the Chamber.

- (iii) A statement that the policy shall not be canceled except after ten days prior written notice to the City.

(b) The Chamber shall at its own cost and expense procure and maintain during the continuance of this contract a policy of workers' compensation insurance/employers liability insurance for the protection of its employees and volunteers. Such policy must be placed with a company acceptable to the City of Eureka and must be endorsed to include the following provisions:

- (i) A waiver of subrogation clause, which states the following:

"This insurance company agrees to waive all rights of subrogation against the City, its officers, officials, employees, and volunteers for losses paid under the terms of this policy, which arise from the work performed by the named insured for the City."

(c) This agreement shall not be executed by City until certificates and endorsements or other sufficient proof that these insurance provisions have been complied with and filed with the City Clerk. If Chamber does not keep such insurance in full force and effect City may, upon receiving notice of cancellation of said insurance, elect to terminate this agreement effective on the date said insurance coverage is terminated.

8. Indemnification. Chamber agrees to indemnify, defend and save City, its officers, agents, employees, and volunteers from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, materialmen, laborers, and any other person, firm or corporation furnishing or supplying work, services, materials or supplies in connection with the performance of this agreement and for any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Chamber in the performance of this agreement.
9. Compliance with Law.
 - (a) All work done under this agreement shall be done in compliance with the applicable provisions of the federal and state laws and any regulations promulgated there under.
 - (b) Chamber agrees to comply with all state or local licensing standards; all applicable accrediting standards and any other standards or criteria established by the state or local laws to assure quality of service.
 - (c) This agreement shall be governed and construed in accordance with the laws of the State of California.
10. Term of Agreement. This agreement shall be reviewed annually on or before the first day of January (extension date) and extended for a term of one (1) year upon written agreement by both parties. So that City can adequately consider extension of this Agreement, Chamber shall, on or before the first day of November prior to the extension date, provide to City a written request for an extension along with a Comprehensive Marketing Plan setting forth the Chamber's plans for marketing the City of Eureka during the upcoming calendar year. Following receipt of Chamber's Comprehensive Marketing Plan City shall, within 45 days of receipt of said Plan, determine whether or not to extend the Agreement for another year and shall notify Chamber of City's decision within 45 days of receipt of said Plan.
11. Notice of Non-Extension. In the event the City decides not to extend the term of this Agreement for an additional year, City shall provide written notice to Chamber within 45 days of receipt of the Plan as provided in Paragraph 10. Such non-extension of the Agreement shall result in the termination of City's funding of Chamber as set forth herein, however such funding shall not cease for a period of one (1) year from the extension date (first day of January).
12. Notices. City shall mail notice to Chamber at: 2112 Broadway, Eureka, California 95501-2189. Chamber shall mail notice to City at: 531 K Street, Eureka, California 95501. Said notice shall simply state that the

party is exercising its rights under the agreement not to extend the agreement.

13. Complete Agreement. This agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto. This agreement supersedes all previous agreements, if any, between the parties.
14. Amendments. Any alterations, variations, modifications or waivers of provisions to this agreement shall be valid only when reduced to writing duly signed and attached to the original of this agreement.
15. Assignability. Chamber shall not assign any interest in this agreement without the prior consent of City, and any attempted assignment without such consent shall be void.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto on the date first above written.

CITY OF EUREKA:

EUREKA CHAMBER OF COMMERCE:

By _____
Frank Jager, Mayor

By _____

ATTEST:

By _____
Pam Powell, City Clerk

APPROVED AS TO FORM:

By _____
Bill Bragg, City Attorney



Visitor Services Plan 2011

Prepared by,
J Warren Hockaday, CEO
November 1, 2010

CHAMBER MISSION STATEMENT

“The Greater Eureka Chamber of Commerce is an organization of members that develops and promotes trade, commerce and tourism in Eureka and the north coast region.”

2010 Board of Directors

Officers

Mike Newman, Chair
The Shaw Group

Gregg Gardiner, Vice Chair
101 Things to Do

John Dalby, Treasurer
Redwood Capital Bank

Directors

Gary Barnard
Pachanga Mexicana

Greg Dale
Coast Seafoods

Jackie Deuschle-Miller
Green Diamond Resource Co

Linda Disiere
North Coast Investors Group

Scott Flynn
Red Lion Hotel

Roy Frostenson
KIEM-TV

Hans Gerstacker
State Comp Insurance Fund

Russ Harris
North Valley Bank

David Kuta
Times Standard

Jeff Marsee
College of the Redwoods

Carleton Neilsen
Nylex.net

Chuck Petrusha
Advance Security Systems

Mike Renner
L&M Renner, Inc.

Alison Talbott
Pacific Gas & Electric

Greg Williston
SHN Consulting Engineers

TABLE OF CONTENTS

Introduction	Page 4
Executive Summary	Page 11
2010 Program Performance	Page 13
Situation Analysis	Page 15
Goals and Objectives	Page 17
2011 Visitor Service Program Design	Page 19
Draft 2011 Budget	Page 24
Attachments	Page 25

INTRODUCTION

As local communities begin to see signs of life on the economic horizon, the State of California continues to struggle with its projected multi-billion dollar shortfall. The flagging State fiscal condition has been and will continue to impact other area economies. With State cutbacks, many areas of economic investment have been curtailed and have correspondingly, produced less in the way of revenues. Not the least of these is tourism promotion through the California Travel and Tourism Commission (CTTC). For the first time in many years the State of California has experienced a decline in visitor-related economic development. Before adjusting for inflation, travel spending in the State is down some ten (10) percent this last year. (Attachment 1)

Fortunately, for the City of Eureka and some parts of the north coast region, visitor related spending has increased in FY 2009/10. Recent reports reflect that the City of Eureka received a near 15 percent increase in Transient Occupancy (TOT) Tax, due to a combination of sustained market share and the voter-approved TOT increase to ten (10) percent.

Still, the recent recession and economic down turn has been felt in virtually all sectors nationally and of course, here at home. Businesses and local governments have been forced to accomplish more with less. The hospitality and travel industry has been similarly impacted yet, in the City of Eureka, tourism related economic activity continues to be a bright spot in an otherwise disappointing economic landscape.

In FY 2009/10 the City of Eureka enjoyed a 14.7 percent increase in Transient Occupancy Tax (TOT) revenues over the preceding year. That increase is largely attributable to the Measure E, TOT increase from nine (9) to ten (10) percent that went into effect in April 2009. However, visitor spending produced over \$2 million in General Fund revenues from Eureka lodging establishments alone. This is particularly noteworthy in that during the same period, several neighboring jurisdictions have seen revenues decline.

In Humboldt County, the most recent (2008) numbers from the State reflect that travelers spent \$308.8 million, creating 4,740 jobs and generating \$5.6 million in tax proceeds.

However, in FY08/09 TOT collections declined in the unincorporated areas by 3.08 percent.

It is encouraging that during this economic downturn, at least as it pertains to tourism, the City of Eureka has experienced an increase in tax revenues. It is again noted that the voter approved, TOT increase to ten (10) percent contributed to the increase in revenues.

It is important to mention that hospitality providers are not the only beneficiaries of tourism promotion and activity. Neither is TOT the only contributor to increased economic activity for businesses and tax revenues for local governments. In reports prepared for the California Travel and Tourism Commission, CTTC show that of the near \$309 million in travel spending in 2008, \$90 million was spent in food and beverage establishments in Humboldt County. Other impacts include \$43.7 million spent on the arts and entertainment, \$60.9 million in ground transportation and fuel and \$44.3 million in retail sales. (See Attachment 8)

Clearly, tourism related economic development is not the sole solution to a complex economic problem, but it remains a solid contributor to the City economy.

The Greater Eureka Chamber of Commerce and the City of Eureka have been engaged in a mutually productive, dynamic partnership for more than a century. The principals of the City and the Chamber have worked together to improve economic conditions, create employment opportunities and generate the resources with which to secure essential public services. Toward the attainment of this shared goal, the Chamber Board of Directors has often supported the City's efforts to secure adequate resources to further its various initiatives on behalf of its residents and businesses.

To this end, the Chamber Board has consistently voted to endorse such things as the City application and extension of an Enterprise Zone designation, the Tidelands Litigation, securing funding to complete the Martin Slough Interceptor and the reduction of State of California takeaways from local governments. In 2008, the Board supported the City budget solutions by supporting tax revenue enhancements such as the Utility Users Tax and specific voter approved tax measures D and E. The Chamber has consistently advocated on behalf of Eureka businesses to reduce regulatory burdens and lower the cost

of doing business. To the extent that such efforts are successful, Eureka's businesses contribute more in the form of tax revenues, job opportunities and economic prosperity.

In recent years, some have questioned the Chamber's role in advocating for business issues with the legislature and locally. The Chamber has a services agreement with the City to operate its Visitor Center and it also lobbies for local business interests. Political considerations aside, it is worth noting that many of the Chamber advocacy efforts have been made in support or at the request of the City itself.

The Chamber's lobbying/advocacy effort is purposeful and direct. It is geared to further many of the same goals and objectives that the City itself pursues. There has been concern in recent years as to the Chamber's role as a 'lobbying organization' and its efforts to promote economic development through the operation of the Chamber Visitor Center. This aspect of the Chamber program of work has been discussed at considerable length with members of the City Council and staff but, for the purposes of this report, this aspect of the Chamber's organization design and budgetary structure will be discussed in order, at least for the moment, to put any lingering concerns to rest.

The Eureka Chamber of Commerce is in truth, several organizations under a single roof. Its advocacy effort is supported entirely through membership dues and voluntary donations. By design, the Chamber Visitor Center operation is funded and accounted for completely independent of other non-tourism related activities. TOT funds are not used for any purpose other than tourist-serving, Visitor Center operations.

In light of troublesome economic times on a variety of important levels, the Chamber contribution to local economic development is among the few bright spots in the City's fiscal picture. When other revenue streams are in decline, visitor related economic development efforts continue to contribute to the City's ability to generate those resources needed to provide essential public services.

Visitor-related economic development continues to produce a significant return on investment in Eureka and in the regional marketplace.

A variety of factors are evaluated each year that identify performance trends and outcomes. Those factors include off-site inquiries to the Chamber, walk-in traffic at the

Visitor Center, requests for brochures and other collaterals as well as increased website traffic. As the Chamber operates on a calendar year basis, final performance numbers will not be available until January 2011. However, year-to-date indicators point to modest, increased activity in the referenced areas. Some reductions have been experienced in 'walk-in' and telephone referrals. That is attributed to fewer budgetary resources that limited the Visitor Center's ability to increase its hours of operation during the tourist season.

The Eureka Chamber participation in the local promotional/marketing effort involves local and regional marketing, responding to visitor inquiries, referring visitors and local residents to area businesses and engaging in a variety of economic/business development activities. Virtually every tourist who contacts the Chamber is provided contact information about Eureka hotels, restaurants, merchants, service providers, state and national parks, local attractions and other businesses. This is facilitated through the distribution of collateral materials, business information and face-to-face exchanges at the Visitor Center. While other economic development efforts are broader based, the primary goal of this exercise is of course to maximize visitor spending and revenue generation within the City.

As previously noted, the 2010 tourist season has just now ended and a final analysis has not yet been completed. However, preliminary information measuring visitor contacts reflect that traffic to the Chamber Visitor Center has remained comparable to 2009 levels. By the end of 2010, it is projected that 16,410 people will have received information on site from the Chamber about lodging, dining, recreation, entertainment, retail, services and the community at large.

Referrals are also made over the telephone, through email and website contacts and through the Postal Service. Suffice it to say that tax revenues enjoyed in 2010 are, in part attributable to and consistent with Chamber efforts.

In fiscal 2009/10 more than \$2 million has been realized through Transient Occupancy Tax (TOT) receipts and reflect a total of over \$20 million spent in Eureka hotels over the year. Considerably more revenues are produced to support the City programs and services through Sales and other taxes that flow to Eureka and other local governments from Chamber generated referrals.

The current, Fee for Services agreement between the City and the Chamber provides for the delivery of an array of services intended to increase and maximize the impacts of visitor spending. Businesses of all kinds as well as the City itself directly benefit from the Chamber operation. Of the more than \$2 million received in TOT revenues, our funding agreement provides for 7.5 percent to be reinvested with the Chamber.

The majority of TOT proceeds become General Fund Revenues for the support of discretionary programs such as public safety, maintenance and other services. Under the current agreement, TOT will provide operational resources of approximately \$160,000¹. This represents less than one (1) percent of the total annual spending in Eureka hotels.

All indications are that tourist activity will continue to be an increasingly significant driver of local economic development. The direct benefit for local businesses and the City of Eureka represents an investment in promotional infrastructure that delivers a tangible return on investment and creates General Fund revenues that support other essential City services. However, due to recent funding reductions requested by the City and accepted by the Chamber Board, operating revenues have been dramatically reduced. As a consequence of these reductions several planned facility improvements have been deferred. More importantly, due to budgetary reductions, personnel expenses have been reduced and, as previously noted, the ability to provide staffing for extended hours of operation during the peak tourist season has been reduced.

As in years past, the primary Chamber effort involves the multi-function operations of the Chamber Visitor Center. This central, point-of-purchase marketing application represents the primary activity. In addition to having the advantage of responding to tourist needs on a face-to-face, personal level we have the unique opportunity to learn first hand what brings people to the area, to encourage them to stay longer and to “tailor-make” referrals to those businesses that best suit the needs and interests of the individual traveler.

This current plan builds upon several, successful components that maximize existing strengths. Not the least of these involve physical improvements, increased visibility and enhanced informational resources at the Visitor Center. Beyond that, the plan continues

¹ Total amount to be adjusted based on actual TOT collections

an expanded regional presence for visitor promotional services which results in additional participation in local events.

Any successful marketing program will depend upon the support and participation of the businesses that are directly and indirectly involved. For example, in 2010 such things as regional collaboration with neighboring Chambers and the redesign of Chamber publications contributed to off-site inquiries about, and participation in local attractions. This approach will continue to coincide with local events so as to broaden the want-satisfying attributes of the program.

It is noted that unlike many destination-marketing applications, the Chamber promotional program is closely linked to the true attributes of the area. It is a promotional preference focusing on identity over image. Accordingly, there is little overstatement in Chamber marketing materials or in the making of referrals. A few of the legitimate selling points included in the array of marketable local attributes include the following:

- Access to scenic redwood forests, picturesque coastline and wild rivers
- Proximity to the State and National Park Systems
- A rich cultural and historic tradition
- A healthful and pristine natural environment
- Top quality dining, lodging, shopping and entertainment choices
- Genuinely friendly businesses and residents
- Relatively affordable costs of goods and services

The lines of distinction between visitor and non-visitor businesses continue to blend with the knowledge that hundreds of millions of dollars are spent by tourists exclusive of TOT in Humboldt County each year².

With direct tourism spending resulting in more jobs, more money is spent in traditionally non-hospitality related industries and businesses. The impact value of visitor spending is significant. Accordingly, a local awareness campaign continues to be incorporated into the Chamber program. The aim is to better acquaint the local public with the very positive effect visitor spending has on overall economic well being. The goal of this

² \$308.8 million in 2008

exercise is to encourage Eureka businesses to recognize the dollar value of being as 'visitor-friendly' as possible.

A key component to this plan is the continuation of an evaluation and measurement protocol that provides additional market research information for current assessment and future planning purposes. There are many intangibles as to that which motivates an individual visitor to travel to or remain longer in a particular destination. Considerable performance information is already known in terms of numbers of contacts and inquiries. Indeed, every face-to-face, personal contact with a visitor enhances our knowledge base for future planning. Discussions continue with the principals of the Humboldt County Convention and Visitors Bureau (CVB) and other local organizations for the purpose of furthering the quality and reliability of otherwise anecdotal information.

The success of this marketing program relies upon the spirit of cooperation and communication that already exists among the key players in the Eureka-based and regional, tourism related economic development arena. The City of Eureka, CVB, Eureka Main Street, College of the Redwoods, Humboldt State University and the Eureka Chamber have created partnerships dedicated to the most productive use of taxpayer resources. These partnerships have been successful and will be more so in the future as new and better marketing communication tools become available. Clearly, the differing missions and constituencies of these groups do not exclude the reality that although activities may sometimes overlap, their functions are uniquely independent yet closely related.

The Chamber Board and indeed the business community recognize that true economic development involves a multi-faceted approach. Tourism related economic development is just one effort among many aimed at improving business conditions overall. The Chamber Visitor Services Program is linked to the other efforts and entities that are working to improve infrastructure, respond to business-related issues, assist new enterprises and attract relocating businesses.

Accordingly, the Chamber is actively involved in promoting those local quality-of-life attributes that not only serve the interests of tourists but members of the community as well. Thus, the Chamber is involved in those efforts to increase public safety, improve transportation infrastructure, reduce blight and promote the expansion of new business

EXECUTIVE SUMMARY

The Chamber tourism-related economic development effort has evolved over the years into a successful model that effectively responds to the needs and wants of the prospective and actual visiting public. It is designed to capitalize on the strengths and successes of past collaborative marketing activities as well as create new methods of visitor attraction and retention. The plan is comprised of the following components:

- Enhanced Economic Benefit generated from the Chamber Visitor Center
- Increased shopping, recreational, entertainment and cultural opportunities
- Increased Performance Measurement Mechanisms
- Production and Distribution of Eureka-related Collateral Materials
- A Public Awareness Campaign Promoting the Value of Visitor Spending
- Regional Promotion and Distribution
- Economic Development Linkages
- Evaluation and Measurement
- Funding Recommendations and Budget

The primary objective in this plan is to create marketing strategies that increase visitor interest in and awareness of the businesses, services and attractions available in the City of Eureka. In general terms, this will be accomplished through outreach both locally and regionally. This is purposefully coordinated with consistent identifiers of the Visitor Center as the central (and primary) source of visitor and business information.

The Visitor Center as well as the City of Eureka itself, is positioned and promoted as the local hub, from which the broad array of specific, regional visitor options may be reached. As the natural first point of contact for those considering or planning to visit the area, staff members encourage potential guests to make Eureka their 'base of operations' while seeing the sights that are available within the north coast region.

Recent enhancements include the development of wireless Internet access and a dedicated computer station that allows visitors to check email from the Visitor Center.

The Chamber is also working to produce regional visitor resources that reinforce the primary marketing goal of persuading visitors to consider Eureka as a centralized base of operations and venture on day trips to the many regional attractions.

The preliminary (calendar year) budget involves capital resources in the approximate (budgeted) amount of \$160,000. Of that approximately \$150,000 is provided through TOT receipts. Other budgetary resources are devoted to efforts that are not derived from TOT proceeds. The bulk of the effort has and will be devoted to the dissemination of informational materials through Visitor Center staffing which includes expanded evening and weekend hours during peak and shoulder periods. Beyond that, a meaningful amount of in-kind resources are brought to the promotional effort through volunteer involvement in tourism promotion, events production and interrelated Chamber/City endeavors to improve the overall benefit of these programs to the visitors and residents of Eureka.

With this in mind, it is important to note that several key promotional applications have been developed and maintained with no expenditure of tax dollars. Chamber publications such as the Visitor's Guide and Business Directory are produced without the expenditure of contract monies. This is all due to cooperative arrangements with local publishers who provide the collateral materials in exchange for the proceeds from advertising sales. This way we are able to maximize the resources that provide the most effective aspect of the program.

The greatest resource any business or organization has is the quality, dedication and expertise of its employees. Collectively, the current Chamber staff brings a combined total of over 60 years experience serving tourists at the Chamber Visitor Center.

2010 PROGRAM PERFORMANCE

By the end of 2010, the Chamber Visitor Center will have provided lodging, dining, sightseeing, relocation information to over 21,500 potential and actual visitors. Website performance has also dramatically increased with a projected 90,000 unique visitors over the year.

Goals for 2010 were identified and met as follows:

GOAL: *Increase T.O.T Revenues in the City of Eureka in 2010*

ATTAINMENT: TOT revenues increased about 14.7 percent in FYE 2010. This represents an approximate increase of nearly \$263,000 over FYE 2009.

GOAL: *Increase Referrals from Chamber Visitor Center to local businesses in 2010*

ATTAINMENT: In calendar year 2009, 16,865 visitors received direct information on local businesses from the Chamber Visitor Center. In last year's plan, that number was projected to decline by some 2 percent, to 16,500 direct contacts. End of year projections revise that figure to 16,410. The reduction is attributable to the aforementioned staffing adjustments that curtailed the typical expansion of evening and weekend hours.

However, it should be noted that the vast majority of 'walk-in' customers receive multiple referrals so the actual impact of Chamber recommendations is significantly greater than the per-person count would indicate.

GOAL: *Increase opportunity for visitor involvement in and with the Visitor Center*

ATTAINMENT: Additional informational resources were solicited and received in 2010, broadening the scope of information available to the visiting public. Additionally, product lines have been greatly expanded to display and offer for sale a much wider variety of locally produced products for sale.

GOAL: *Increase news media/editorial support for tourism promotion*

ATTAINMENT: In 2010, seven (7) local broadcast and print articles were published and/or broadcast concerning Visitor Center activities and the positive impact of tourism on the local economy.

GOAL: *Increase Local awareness of and support for tourism contributions*

ATTAINMENT: A total of five (5) presentations were made before and with other area Chambers, service organizations, radio talk programs and local governments illustrating the value of tourism promotion.

GOAL: *Support local economic development efforts*

ATTAINMENT: During the course of the year, Chamber staff and Board members worked closely with all area economic development entities including the County and City economic development offices, RREDC, Workforce Investment Board, Redwood Technology Consortium, the Humboldt Bay Harbor, Recreation and Conservation District and others. (This effort is funded exclusive of TOT revenues)

Performance indicators for the period include the following:

	2007	2008	2009	2010
Direct Informational Contacts				
On-site Visitor Center referrals ³ (Walk-in, local phone, kiosk etc.)	15,434	16,865	16,524	16,410
Off-site Information Requests (Telephone, '800' number, email, etc.)	4,672	5,046	5,354	5,166
Total Direct Contacts	20,106	21,911	21,878	21,576

Web Site Activity

<i>Unique Visitors</i>	2008	2009	2010	%
Jan-Sept	66,933	69,842	72,365	3.6
Jan-Dec	84,291	86,604	90,501 (projected)	4.5

³ Includes area map and Visitor Guide distribution at site

SITUATION ANALYSIS

Projections and analyses provided by the California Travel & Tourism Commission indicate that visitor spending in California has been steadily growing in recent years but the trend was reversed in the last year. However, in contrast, Transient Occupancy Tax receipts in Eureka have increased in recent years including FYE 2009/10 which reflects a significantly greater increase than that of the State and other local entities.

Competitive Environment

As the market narrows, competition for visitor attention is growing. Major traditional resort and vacation destinations in California are experiencing significant declines in the recessed economy. Those destinations still are aggressively marketing their attractions for an anticipated overall increase in tourism activity.

Locally, marketing efforts by individual cities are also on the rise. With the presence of the Welcome Center in Arcata and better and more active marketing on the part of regional chambers, the local competitive environment remains challenging. However, it is noted that the marketing efforts of our neighboring cities affords an opportunity for Eureka to benefit as well. The prominence and enhanced visibility of the Eureka Visitor Center will result in a higher proportional share of any increased visitor traffic produced as a result of separate yet related marketing efforts.

A review of TOT receipts alone reveals that Eureka outpaced other nearby cities in total tax dollars received. The following reflects the TOT dollar amounts compared to percentage increases in receipts for Eureka, Arcata, Fortuna and the County of Humboldt:

	FY 07	FY 08	FY 09	FY 10	% Change
Eureka	1,557,979	1,742,728	1,784,796	2,047,660	14.7
Arcata	872,884	892,051	833,304	870,708	4.5
Fortuna	469,567	473,376	447,347	443,975	-0.75
Humboldt Co.	1,061,814	1,146,103	1,128,164	1,093,382	-3.08

Sources: Humboldt County Convention & Visitors Bureau (Attachment 11) – City of Eureka Finance Department

The Eureka Chamber Visitor Center remains the principal point of contact for the region. Given its location at the primary focal point for visitors and Eureka's identity as the largest City in the area with the greatest name recognition, the local competitive advantage should be maintained this year. The greatest potential increase in visitor activity will be realized by building upon that which is already working. Thus, with added visibility of the Chamber/Visitor Center location, increased service potential and expanded presence through regional advertising, the ability of the Visitor Center to make a significant positive impact on lodging, dining and touring decisions should continue to represent a significant economic force in 2011 and beyond.

External and Internal Factors

Elements outside the direct scope of Chamber activity are made up of efforts that are now, and will be made to develop attractions and other reasons for visitors to favorably consider Eureka as more of a destination. Accordingly, this plan recognizes the intrinsic linkage between tourism promotion and local economic development projects both privately and publicly sponsored. To the greatest extent, the executive staff and leadership of the Chamber will continue to be involved with such proposed improvements. This plan then encompasses comprehensive linkages with the local economic development community, tourism, and event promoters along with sustained involvement with the County of Humboldt and the City of Eureka.

The Chamber's role in this effort goes beyond the promotion of tourism and the provision of visitor services. As the region's predominant business support organization, involvement in all aspects of local economic development become an integral part of the Chamber's overall mission. Examples of this ancillary activity include advocating for transportation improvements and enhanced air service and new business recruitment.

2011 GOALS AND OBJECTIVES

GOAL: Increase TOT Revenues in the City of Eureka in 2011.

Objectives:

- A) Provide expanded lodging, restaurant, event and attraction information at the Chamber Visitor Center and on the Chamber website
- B) Conduct recurrent Visitor Center Staff training in influencing visitors to remain in the City for a longer period of time
- C) Produce and distribute collateral materials promoting Eureka businesses
- D) Encourage participation and support of local businesses in contributing to the effort of tourism promotion
- E) Increase overnight visits of visitors from regional locations
- F) Enhance availability of information through the Chamber Web site
- G) Continue contacting hotels with available rooms during peak (near sold out) times of the year

GOAL: Expand Number of contacts to Chamber Visitor Center in 2011.

Objectives:

- A) Distribute Eureka-based publications to hotels, visitor centers and California chambers
- B) Increase attractions at Visitor Center
- C) Identify and obtain sufficient resources to restore expanded Visitor Center hours of operation during peak and shoulder seasons
- D) Continue to enhance interactivity and content of Chamber web site
- E) Address growing visitor need/demand for free wifi and on-site internet access

GOAL: Increase Public, News Media/Editorial Support for Tourism Promotion.

Objectives:

- A) Submit feature articles and guest columns in local print media
- B) Prepare and submit news releases on economic contribution of tourism-related economic development

- C) Address entities of local government, service and economic development organizations
- D) Respond to requests for speakers at service clubs and community organizations to promote support for the value of Visitor Center activities

GOAL: Continue to Integrate Tourism Promotion with Local Economic Development Efforts.

Objectives:

- A) Maintain regular involvement with key local economic development organizations
- B) Prepare and distribute 'relocation packets' to interested businesses and individuals

2011 PROGRAM DESIGN

CHAMBER VISITOR CENTER

Expanded Hours of Operation

Historically, the Visitor Center has been available to the visiting public in person or by telephone between the hours of 8:30 A.M. and 5:00 P.M. on weekdays. The standard operating hours have typically been expanded during periods of increased visitor activity (late May through early September) until 7:00 P.M. on Friday evenings and from 10:00 A.M. until 4:00 P.M. on Saturday and Sunday. Due to budgetary constraints, in 2009 and 2010, extended hours of operation were for the most part eliminated. In order to meet anticipated demand, the facility was open during evening and weekend hours in connection with known events such as graduations, festivals and the Ocean salmon season. If sufficient funds are available, additional staff support will be provided at the Visitor Center to accommodate expanded hours during the peak season.

Physical Improvements

The plan provides resources to continue to improve the Visitor Center as an informational resource and increasingly function as a showcase for local events, products and services. It is envisioned that the following enhancements will be made:

- Continue refreshing and expanding the exhibits in the "Pride of Humboldt" Room to display historically significant local art and cultural artifacts.
- Expand line of local products for sale as souvenirs and to showcase local artists, craftspeople and producers.
- Expand business displays at Visitor Center to increase interest and referrals
- Continue to offer free wireless Internet access
- Continue availability of dedicated computer and Internet access for visitors
- Expand Informational Kiosk at Facility Entrance

Local Products, Events and Services Display

The lobby area of the Visitor Center offers a comprehensive array of brochures and other promotional materials. It is also planned to further increase the availability of unique locally produced products and gift items. Among the most popular features for travelers is a collection of current restaurant menus that they may review while making dining choices.

The individual business displays are rotated periodically so that more businesses would have the opportunity to participate. Additionally, space will continue to be provided for the promotion of local events. The theory is to acquaint each visitor who stops by the Visitor Center with as much detail as possible about the character and attributes of the Eureka Community as an incentive to remain longer.

PROMOTION

Events Promotion

The Eureka Chamber has long supported local events that serve as an attraction for visitors from beyond the City limits. As in previous years, this plan offers enhanced support for other community events that also encourage visitor travel to the area. The regional advertising campaign described earlier will also include local events in the packaging of hotel/restaurant incentives. This includes free promotion of local events in Chamber publications, signage, the website and direct referrals. Additionally, local events will receive enhanced promotion from added visibility in the display area of the Visitor Center as well as banners that are attached to the Visitor Center Sign on Broadway.

Production of Eureka Collateral Materials

The principal printed informational resource is the Chamber "Visitor's Guide." This publication is updated and revised annually as part of this plan. It should be noted that this collateral is produced independent of TOT dollars. The Guide has been an invaluable tool in drawing visitor focus to the attributes of Eureka. It is regularly distributed to 'walk-in' visitors and those contacting the Visitor Center for additional information.

LOCAL PUBLIC AWARENESS

Local Outreach

Efforts will continue to maintain and expand a public awareness/support campaign. The goal of course, is to create positive public attitudes toward efforts made to promote tourism, as well as motivating businesses and employees to make an effort to enhance the visitor experience. Additionally, recognition of the value of the tourism contribution to local economic well being, will also result in general public and business support for the utilization of resources provided to the City, the Bureau, the Chamber and others for such promotional activities.

News Media Outreach

A coordinated news media promotion will be continued as to the positive impacts tourism provides the local economy overall. It is also proposed that principals of the Chamber appear regularly before community groups and organizations to report on Visitor Services Plan accomplishments so as to take advantage of press interest in local affairs.

Economic Development

The central theme of this exercise is inherent in the recognition that visitor spending has been, and will continue to be, an important contributor to the local economy. To the extent that economic development efforts create improved or increased opportunities for visitors or business travelers, they become an integral component in any tourism promotion effort.

With that in mind, Chamber projects such as the continued production and distribution of a comprehensive relocation packet for business and individuals, serving as the primary point of first contact for new business inquiries and maintaining its web site as an informational resource serve to broaden the economic development potential for local businesses and industry.

EVALUATION AND MEASUREMENT

This component of the visitor services plan will produce valuable data with which to base future marketing decisions. This data will be used not only to plan future promotional activities but also to gauge the effectiveness of individual components of the marketing program. Measurement includes, but is not limited to the following:

- Tracking and analysis of telephone, mail and email inquiries for tourism information
- Tracking of web site user activity
- Tracking and analysis of Visitor Center 'walk-in' referrals to local businesses

2011 VISITOR SERVICES

DRAFT BUDGET

REVENUE

T.O.T.	\$148,000
Other Tourism Income	<u>12,000⁴</u>
Total Income	\$160,000

EXPENSE

Payroll

Salaries	\$72,250
Taxes/ Insurance	<u>18,065</u>
Total Payroll	\$90,312

Publications

Brochures	\$500
Website Expense	4,300
Advertising	<u>3,000</u>
Total Publications	\$7,800

Operations

Postage	\$3,500
Committee Expense	4,500
Occupancy Expense	12,925
Facility Operations Expense	<u>10,700</u>
Total Operations	\$31,625

Visitor Center

Maintenance	\$2,500
ADA Expense	3,200
Extended Visitor Center Payroll	12,350
Signage	<u>4,500</u>

Total Visitor Center	<u>\$ 22,550</u>
Total Expense	\$152,287

Reserve	<u>7,713</u>
Total Expenses and Reserve	\$160,000

⁴ Non-TOT revenue

ATTACHMENTS

California Travel and Tourism Commission Reports⁵

- 1) State Travel Impacts by County 1992-2008 - April 2010 – Summary
- 2) California Travel Impacts 2003 – 2009(p)
- 3) Total and Visitor-Generated Sales Tax by County 2008
- 4) 2009 Regional Direct Travel Impacts
- 5) North Coast Travel Impacts – 1992-2009(p)
- 6) California Travel Impacts by County 2008
- 7) Travel Spending by County 1992- 2008
- 8) Humboldt County Travel Impacts, 1992-2008
- 9) Transient Occupancy Tax by County FY 1999-2009
- 10) California Transient Occupancy Tax by jurisdiction 1999-2009

Humboldt County Convention and Visitor Bureau Report

- 11) Transient Occupancy Tax Collections for FYE 6/30/10

⁵ Prepared by Dean Runyan Associates for the California Travel and Tourism Commission



**California Travel Impacts by County,
1992-2008**
2009 Preliminary State & Regional Estimates

April 2010



A Joint Marketing Venture of the California Travel & Tourism Commission
and the California Business, Transportation and Housing Agency, Division of Tourism

EXECUTIVE SUMMARY

This report provides detailed statewide and regional travel impact estimates for California from 1991 to 2009. The estimates for 2009 are preliminary. The report also provides detailed county estimates for 2008 and transient occupancy tax receipts for all jurisdictions through the 2009 fiscal year.

THE CALIFORNIA TRAVEL INDUSTRY AND THE ECONOMIC RECESSION

The worldwide recession has had a profound effect on the travel industry. Private households have curtailed their spending on most goods and services, including travel, and businesses have reduced their travel budgets. The California travel industry was even more vulnerable in 2009 because of (1) the severity of the economic recession in the state¹, (2) the importance of overseas travel to the state, and (3) the importance of domestic air travel. Accordingly, most indicators of the travel industry (including spending, employment, tax receipts and visitor volume) reflect the severity of this recession.

- **Spending.** Travel spending declined by 10.0 percent in California from 2008 to 2009 in current dollars. This compares to a 5.7 percent decline for the entire U.S. over the same time period. However, much of the decline in spending in California and the U.S. was due to price deflation – primarily for lodging and motor fuel. When adjusted for inflation, the decline in travel spending for California was 3.9 percent, compared to 3.6 percent for the nation.
- **Employment.** Travel-generated employment decreased by 5.0 percent in California from 2008 to 2009. Total private sector employment in California declined by 6 percent over the same period. Preliminary estimates of U.S. travel industry employment indicate a decline of about 4.5 percent from 2008 to 2009.
- **Tax Revenues.** Total local and state tax receipts generated by travel spending declined by 9.8 percent from 2008 to 2009. The decline in local tax revenues from transient lodging taxes, due in part to lower room rates, more than offset the April state sales tax rate increase. Despite the sharp decline in travel-generated tax revenues, the industry is still one of the leading contributors of tax revenues to state and local governments.
- **Travel Activity.** According to Smith Travel Research, room demand in California decreased by 6.8 percent from 2008 to 2009. This compares to a decrease of 5.8 percent for the entire U.S. and 6.4 percent for the Pacific region.² Estimates of visitor air travel on domestic flights are similar – a decline of 6.5 percent for California from 2008 to 2009 and 5.8 percent for the U.S.

¹ Personal income declined by 2.5 percent from 2008 to 2009, the tenth biggest decline of all states (Bureau of Economic Analysis).

² The Pacific region includes Alaska, California, Hawaii, Oregon and Washington.

**California
Travel Impacts, 2003-2009p**

	2003	2004	2005	2006	2007	2008	2009p
Total Direct Travel Spending (\$Billion)							
Visitor Spending at Destination	69.8	74.8	80.5	84.6	87.8	90.2	80.9
Other Travel*	5.8	5.9	6.5	7.2	7.3	7.3	6.8
Total Direct Spending	75.6	80.7	87.0	91.8	95.1	97.5	87.7
Visitor Spending by Type of Traveler Accommodation (\$Billion)							
Hotel, Motel	36.4	39.4	43.1	45.7	47.7	48.6	42.7
Private Campground	2.7	2.9	3.0	3.0	3.0	3.1	2.7
Public Campground	0.5	0.6	0.6	0.6	0.6	0.6	0.5
Private Home	9.1	9.5	10.0	10.4	10.8	11.3	10.7
Vacation Home	3.2	3.4	3.6	3.8	4.0	4.1	3.9
Day Travel	18.0	19.1	20.3	21.1	21.7	22.4	20.4
Spending at Destination	69.8	74.8	80.5	84.6	87.8	90.2	80.9
Visitor Spending by Commodity Purchased (\$Billion)							
Accommodations	11.9	12.9	14.2	15.3	16.4	16.6	13.9
Food & Beverage Services	17.2	18.4	19.6	20.3	21.1	21.8	21.3
Food Stores	2.4	2.6	2.7	2.7	2.8	3.0	2.8
Ground Tran. & Motor Fuel	10.2	11.8	13.9	15.4	16.4	17.8	13.4
Arts, Entertainment & Recreation	12.7	13.3	13.7	14.0	14.1	14.1	13.4
Retail Sales	13.8	14.1	14.5	14.7	14.7	14.6	14.0
Air Transportation (visitor only)	1.6	1.7	2.0	2.2	2.2	2.3	2.1
Spending at Destination	69.8	74.8	80.5	84.6	87.8	90.2	80.9
Industry Earnings Generated by Travel Spending (\$Billion)							
Accommodations & Food Service	12.1	13.0	13.8	14.5	15.5	16.0	15.3
Arts, Entertainment & Recreation	6.3	6.6	6.9	7.2	7.5	7.7	7.6
Retail**	2.4	2.5	2.6	2.7	2.7	2.7	2.6
Auto Rental & Ground Tran.	0.5	0.5	0.5	0.6	0.6	0.6	0.6
Air Transportation (visitor only)	0.9	0.9	0.8	0.9	1.0	1.0	0.9
Other Travel*	3.1	3.1	2.9	3.2	3.1	3.1	2.9
Total Direct Earnings	25.3	26.6	27.4	29.0	30.4	31.0	29.8
Industry Employment Generated by Travel Spending (Thousand Jobs)							
Accommodations & Food Service	491.0	506.0	520.1	527.8	533.5	535.2	506.2
Arts, Entertainment & Recreation	220.6	224.7	226.4	226.5	229.0	228.4	221.0
Retail**	86.7	87.5	88.1	88.6	88.8	87.2	81.6
Auto Rental & Ground Tran.	15.0	14.8	15.2	15.1	15.3	15.8	15.4
Air Transportation (visitor only)	13.6	13.4	13.1	12.9	13.1	13.5	12.5
Other Travel*	51.5	49.7	47.9	47.8	48.0	47.9	44.7
Total Direct Employment	878.4	896.1	910.8	918.7	927.8	927.9	881.4
Tax Receipts Generated by Travel Spending (\$Billion)							
Local Tax Receipts	1.7	1.8	1.9	2.1	2.2	2.2	1.9
State Tax Receipts	2.9	3.2	3.4	3.5	3.6	3.7	3.4
Federal Tax Receipts	4.2	4.4	4.7	5.0	5.2	5.2	4.9
Total Direct Tax Receipts	8.8	9.3	10.0	10.6	11.0	11.2	10.3

Details may not add to totals due to rounding.

*Other Travel includes resident air travel and travel agencies. **Retail includes gasoline.

Attachment 3

**Total and Visitor-Generated State Sales-Tax Receipts
by County, 2008**

	Tax Receipts (Millions)		Percent
	Total	Visitors	Visitor-Related
Alameda	\$1,416.9	\$84.6	6.0
Alpine	\$1.3	\$0.5	36.7
Amador	\$25.4	\$2.7	10.8
Butte	\$159.0	\$6.8	4.3
Calaveras	\$18.7	\$3.0	16.1
Colusa	\$19.5	\$1.2	6.0
Contra Costa	\$790.1	\$42.2	5.3
Del Norte	\$13.8	\$2.8	20.2
El Dorado	\$106.2	\$14.6	13.7
Fresno	\$696.4	\$33.1	4.8
Glenn	\$18.9	\$1.3	6.9
Humboldt	\$100.5	\$7.9	7.8
Imperial	\$129.4	\$9.1	7.1
Inyo	\$19.0	\$3.8	20.1
Kern	\$717.6	\$30.4	4.2
Kings	\$82.5	\$4.1	5.0
Lake	\$34.0	\$4.3	12.8
Lassen	\$15.4	\$1.7	11.3
Los Angeles	\$7,830.5	\$532.0	6.8
Madera	\$78.8	\$5.6	7.2
Marin	\$246.9	\$19.3	7.8
Mariposa	\$10.2	\$5.1	49.9
Mendocino	\$74.3	\$8.5	11.5
Merced	\$141.8	\$4.9	3.5
Modoc	\$5.5	\$0.6	10.5
Mono	\$15.2	\$6.0	39.4
Monterey	\$320.6	\$58.8	18.3
Napa	\$151.3	\$26.5	17.5
Nevada	\$70.5	\$7.6	10.8

Source: Dean Runyan Associates, Inc., and California State Board of Equalization.

Attachment 4

2009 Regional Direct Travel Impacts

Region	Spending (\$M)	Earnings (\$M)	Employment (Thousand)	Tax Receipts		
				Local (\$M)	State (\$M)	Total (\$M)
North Coast	3,114	1,110	43.2	73	120	193
Shasta Cascade	858	302	13.0	13	33	47
San Francisco Bay Area	20,384	6,994	173.0	513	764	1,277
Central Valley	5,200	1,512	65.6	79	235	313
Gold Country	2,934	968	35.5	52	125	177
High Sierra	1,980	666	26.5	51	64	115
Central Coast	5,659	2,155	68.2	131	231	362
Los Angeles County	20,430	7,059	150.5	436	777	1,213
Orange County	7,705	2,687	81.4	189	304	492
San Diego County	9,941	3,546	108.9	218	393	611
The Deserts	4,946	1,485	59.2	87	202	289
Inland Empire	4,556	1,327	56.4	65	199	264
California	87,707	29,811	881.4	1,907	3,447	5,354

Attachment 5

North Coast
Travel Impacts, 1992-2009p

	1992	2004	2005	2006	2007	2008	2009p
Total Direct Travel Spending (\$Million)							
Visitor Spending at Destination	1,564	2,593	2,786	2,969	3,148	3,272	3,099
Other Travel*	23	19	14	16	18	16	15
Total Direct Spending	1,587	2,612	2,800	2,985	3,166	3,287	3,114
Visitor Spending by Type of Traveler Accommodation (\$Million)							
Hotel, Motel	659	1,274	1,397	1,527	1,658	1,722	1,609
Private Campground	113	149	152	153	153	161	153
Public Campground	39	51	53	54	54	57	52
Private Home	193	282	296	305	313	326	318
Vacation Home	126	175	184	191	197	203	193
Day Travel	434	662	704	740	774	802	775
Spending at Destination	1,564	2,593	2,786	2,969	3,148	3,272	3,099
Visitor Spending by Commodity Purchased (\$Million)							
Accommodations	275	507	557	615	674	693	625
Food & Beverage Services	411	671	718	759	811	853	873
Food Stores	75	117	120	122	128	138	137
Ground Tran. & Motor Fuel	128	248	299	336	359	394	279
Arts, Entertainment & Recreation	315	513	534	557	581	593	585
Retail Sales	360	536	557	579	594	600	599
Air Transportation (visitor only)	a	a	1	1	1	1	1
Spending at Destination	1,564	2,593	2,786	2,969	3,148	3,272	3,099
Industry Earnings Generated by Travel Spending (\$Million)							
Accommodations & Food Service	279	512	543	584	638	669	681
Arts, Entertainment & Recreation	147	238	249	268	288	302	310
Retail**	62	95	98	103	108	108	106
Auto Rental & Ground Tran.	2	4	5	5	5	5	5
Air Transportation (visitor only)	a	a	1	1	1	1	1
Other Travel*	15	14	8	9	10	8	8
Total Direct Earnings	505	864	904	970	1,048	1,093	1,110
Industry Employment Generated by Travel Spending (Thousand Jobs)							
Accommodations & Food Service	17.5	21.3	21.7	22.3	23.0	23.4	23.3
Arts, Entertainment & Recreation	12.9	14.9	15.0	14.8	15.6	16.0	16.0
Retail**	3.5	3.5	3.5	3.6	3.7	3.6	3.5
Auto Rental & Ground Tran.	0.1	0.1	0.2	0.2	0.1	0.2	0.1
Air Transportation (visitor only)	b	b	b	b	b	b	b
Other Travel*	0.6	0.3	0.2	0.2	0.2	0.2	0.1
Total Direct Employment	34.6	40.2	40.5	41.1	42.7	43.4	43.2
Tax Receipts Generated by Travel Spending (\$Million)							
Local Tax Receipts	29	55	62	70	76	80	73
State Tax Receipts	62	100	107	113	119	123	120
Total Direct Tax Receipts	91	155	169	183	195	202	193

Details may not add to totals due to rounding. Less than \$500,000 = a; less than 500 jobs = b.

*Other Travel includes resident air travel and travel agencies. **Retail includes gasoline.

The North Coast includes Del Norte, Humboldt, Lake, Mendocino, Napa and Sonoma counties.

California Travel Impacts by County, 2008

	Travel	Earnings (\$Million)	Employment (jobs)	Tax Receipts		
	Spending (\$Million)			Local (\$Million)	State (\$Million)	Total (\$Million)
Alameda	3,057.2	1,007.8	25,920	74.5	130.2	204.7
Alpine	26.2	6.5	350	0.6	0.7	1.3
Amador	112.2	45.3	2,060	1.4	4.0	5.4
Butte	268.6	71.8	3,720	4.1	10.8	14.8
Calaveras	155.9	59.1	2,250	1.4	4.4	5.8
Colusa	44.9	9.5	540	0.5	1.8	2.3
Contra Costa	1,374.9	372.2	11,420	26.1	68.3	94.4
Del Norte	105.1	46.6	1,740	1.6	3.8	5.3
El Dorado	604.3	224.8	8,510	13.3	21.3	34.6
Fresno	1,140.1	287.1	12,620	24.0	50.4	74.4
Glenn	49.8	16.1	790	0.7	2.1	2.7
Humboldt	308.8	95.3	4,740	5.6	11.9	17.5
Imperial	312.5	90.5	4,450	4.7	12.5	17.1
Inyo	203.6	50.5	2,570	5.5	6.1	11.6
Kern	1,238.8	324.3	13,660	15.8	50.6	66.4
Kings	145.7	41.2	1,970	1.6	6.2	7.8
Lake	164.2	55.0	2,770	2.3	6.0	8.3
Lassen	64.9	24.2	1,590	1.0	2.6	3.5
Los Angeles	23,085.8	7,460.8	161,150	518.5	855.0	1,373.6
Madera	213.9	74.7	3,060	3.6	8.3	11.9
Marin	760.9	295.7	7,470	18.2	28.6	46.8
Mariposa	311.6	84.4	4,090	11.2	7.6	18.8
Mendocino	336.3	124.0	5,400	7.8	12.3	20.1
Merced	214.4	48.4	2,290	2.6	9.3	11.9
Modoc	23.7	6.8	290	0.3	1.0	1.3
Mono	367.0	113.3	4,080	13.8	9.0	22.9
Monterey	2,110.1	922.0	22,560	55.9	79.9	135.8
Napa	1,029.8	343.3	11,750	33.6	36.2	69.9
Nevada	286.6	91.5	3,310	4.5	11.0	15.5

Attachment 7

California
Travel Spending by County, 1992-2008
(\$Millions)

	1992 through 2002											**Annual Change	
	1992	1994	1996	1998	2000	2002	2003	2004	2005	2006	2007		2008
Alameda	1,469.3	1,530.5	1,749.7	1,980.9	2,569.1	2,221.6	2,255.5	2,412.5	2,644.5	2,848.9	2,981.9	3,057.2	4.7%
Alpine	17.4	18.3	20.6	22.2	24.7	26.8	26.7	27.9	28.1	27.6	27.5	26.2	2.6%
Amador	53.9	57.2	67.7	70.6	80.1	101.2	102.7	104.7	108.8	112.7	112.7	112.2	4.7%
Butte	131.2	146.4	159.6	169.9	193.0	193.6	201.4	215.4	234.3	249.6	258.8	268.6	4.6%
Calaveras	85.6	93.9	100.3	107.8	120.8	127.4	131.9	140.3	145.8	150.1	153.0	155.9	3.8%
Colusa	27.0	27.9	29.1	31.4	36.5	36.8	37.9	38.8	40.8	41.8	42.3	44.9	3.2%
Contra Costa	640.7	675.3	754.9	873.0	1,038.7	942.8	997.8	1,072.2	1,176.5	1,250.4	1,319.2	1,374.9	4.9%
Del Norte	68.2	70.5	72.4	73.8	81.4	84.1	84.9	89.4	95.1	99.3	101.5	105.1	2.7%
El Dorado	425.0	449.8	462.1	502.1	541.2	552.2	595.3	611.9	629.4	631.0	608.5	604.3	2.2%
Fresno	596.8	625.1	670.1	715.3	822.3	811.7	861.8	916.2	988.4	1,051.9	1,086.5	1,140.1	4.1%
Glenn	27.0	28.6	31.8	33.8	39.4	39.1	41.4	44.4	47.2	49.0	49.0	49.8	3.9%
Humboldt	189.3	197.6	204.8	212.4	241.4	244.1	248.8	257.8	269.2	281.0	293.8	308.8	3.1%
Imperial	152.1	168.4	185.9	206.1	237.4	240.6	250.3	272.8	285.9	292.5	300.3	312.5	4.6%
Inyo	108.2	113.0	127.4	137.5	150.3	155.7	162.7	171.3	177.6	182.0	191.3	203.6	4.0%
Kern	683.6	715.0	740.5	809.6	893.5	879.0	919.6	986.2	1,076.3	1,149.5	1,194.8	1,238.8	3.8%
Kings	69.7	74.2	81.8	90.0	105.0	107.4	112.0	118.3	126.4	131.6	139.5	145.7	4.7%
Lake	92.2	98.0	105.9	110.5	128.0	137.7	139.9	145.9	152.6	160.2	163.6	164.2	3.7%
Lassen	38.0	40.3	43.3	46.0	51.6	55.1	55.4	56.9	59.1	62.2	64.9	64.9	3.4%
Los Angeles	12,652	12,698	13,913	15,307	17,601	16,645	17,365	18,686	20,393	21,485	22,573	23,086	3.8%
Madera	107.4	119.5	135.5	143.0	163.0	168.7	175.7	186.1	196.2	195.7	200.2	213.9	4.4%
Marin	302.4	351.3	397.2	458.6	550.8	526.8	528.7	627.9	646.7	688.3	732.0	760.9	5.9%
Mariposa	184.4	212.4	194.4	225.1	241.5	269.5	277.0	288.8	291.3	287.2	307.1	311.6	3.3%
Mendocino	208.2	216.9	230.9	250.0	286.1	294.4	294.0	299.5	307.2	316.1	326.1	336.3	3.0%
Merced	114.9	119.7	119.9	128.0	152.7	150.5	160.7	170.3	186.5	197.4	204.8	214.4	4.0%
Modoc	13.3	13.3	14.4	15.3	17.2	17.8	18.7	19.8	20.9	21.7	22.5	23.7	3.7%
Mono	197.6	201.4	209.3	245.0	292.6	328.2	354.9	396.0	420.2	394.3	383.1	367.0	3.9%
Monterey	1,182.5	1,247.1	1,464.4	1,642.0	1,883.6	1,831.7	1,841.0	1,893.1	1,945.0	2,037.7	2,094.3	2,110.1	3.7%
Napa	361.1	411.0	490.4	572.7	633.7	663.4	666.5	736.2	827.8	889.2	975.9	1,029.8	6.8%
Nevada	156.3	159.4	172.9	184.9	217.0	225.5	230.7	239.1	254.3	267.7	278.4	286.6	3.9%

* Annual Change is the average annual percentage change from 1992-2008.

**Humboldt County
Travel Impacts, 1992-2008**

	1992	2003	2004	2005	2006	2007	2008
Total Direct Travel Spending (\$Million)							
Visitor Spending at Destination	186.9	246.9	256.0	267.4	278.8	291.5	306.6
Other Travel*	2.3	1.8	1.7	1.8	2.3	2.3	2.3
Total Direct Spending	189.3	248.8	257.8	269.2	281.0	293.8	308.8
Visitor Spending by Type of Traveler Accommodation (\$Million)							
Hotel, Motel	75.1	105.3	108.2	112.7	119.2	128.8	135.3
Private Campground	18.7	23.6	24.8	25.9	26.4	26.4	28.8
Public Campground	12.4	14.2	15.2	15.9	16.3	16.4	17.9
Private Home	41.5	55.4	57.9	60.9	63.2	64.8	67.2
Vacation Home	8.2	10.6	11.1	11.6	12.0	12.3	12.6
Day Travel	31.0	37.8	38.9	40.4	41.7	42.8	44.7
Spending at Destination	186.9	246.9	256.0	267.4	278.8	291.5	306.6
Visitor Spending by Commodity Purchased (\$Million)							
Accommodations	32.1	44.5	46.2	47.1	50.1	53.9	56.5
Food & Beverage Services	52.8	67.6	69.0	71.3	73.2	76.8	80.9
Food Stores	13.2	17.3	17.8	17.9	17.9	18.4	20.0
Ground Tran. & Motor Fuel	19.7	31.7	38.0	46.0	51.8	55.5	60.9
Arts, Entertainment & Recreation	32.1	41.4	41.3	41.4	41.9	42.8	43.7
Retail Sales	36.7	44.3	43.4	43.5	43.7	43.8	44.3
Air Transportation (visitor only)	0.3	0.2	0.2	0.3	0.3	0.3	0.3
Spending at Destination	186.9	246.9	256.0	267.4	278.8	291.5	306.6
Industry Earnings Generated by Travel Spending (\$Million)							
Accommodations & Food Service	36.4	52.2	53.6	54.4	56.7	60.8	64.3
Arts, Entertainment & Recreation	12.3	15.9	15.9	16.1	16.7	17.6	18.5
Retail**	7.5	9.8	9.9	9.9	10.0	10.3	10.5
Auto Rental & Ground Tran.	a	0.3	0.3	0.3	0.3	0.3	0.4
Air Transportation (visitor only)	0.4	0.3	0.3	0.4	0.3	0.3	0.4
Other Travel*	1.4	1.2	1.1	1.0	1.3	1.3	1.3
Total Direct Earnings	58.0	79.8	81.2	82.0	85.5	90.8	95.3
Industry Employment Generated by Travel Spending (Jobs)							
Accommodations & Food Service	2,650	2,760	2,780	2,730	2,770	2,770	2,790
Arts, Entertainment & Recreation	1,550	1,330	1,590	1,600	1,540	1,530	1,490
Retail**	b	440	420	410	410	410	400
Auto Rental & Ground Tran.	b	10	10	10	10	10	10
Air Transportation (visitor only)	10	10	10	10	10	10	10
Other Travel*	50	50	40	30	40	40	40
Total Direct Employment	4,750	4,590	4,840	4,800	4,780	4,770	4,740
Tax Receipts Generated by Travel Spending (\$Million)							
Local Tax Receipts	3.2	4.6	4.6	4.6	5.0	5.4	5.6
State Tax Receipts	7.6	9.9	10.4	10.9	11.2	11.5	11.9
Total Direct Tax Receipts	10.8	14.6	14.9	15.5	16.1	16.9	17.5

Details may not add to totals due to rounding.

*Other Travel includes resident air travel and travel agencies. **Retail includes gasoline.

Attachment 9

California Transient Occupancy Tax by County

Fiscal Year												
Amounts in \$000												
	*Rate	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Alameda	10.2%	23,050	28,509	35,257	28,505	26,689	25,840	28,045	30,964	34,531	36,425	31,801
Alpine	10.0%	411	486	543	547	549	592	623	615	632	635	521
Amador	8.4%	376	365	471	511	549	597	628	678	703	657	603
Butte	9.7%	1,382	1,543	1,690	1,796	1,785	1,910	2,042	2,289	2,467	2,603	2,507
Calaveras	8.4%	371	491	542	601	691	983	1,051	1,113	1,176	1,223	1,117
Colusa	9.9%	212	260	294	281	290	399	394	405	360	439	430
Contra Costa	9.2%	8,576	10,614	11,940	10,371	9,633	9,372	9,996	10,896	11,918	12,717	10,526
Del Norte	9.4%	619	636	699	745	828	877	985	1,066	1,192	1,208	1,201
El Dorado	10.0%	9,129	9,917	10,087	9,869	10,594	11,102	11,501	12,253	11,775	11,829	9,954
Fresno	11.6%	7,159	6,857	7,808	7,913	8,424	9,110	9,474	10,705	11,620	11,586	10,904
Glenn	9.9%	267	264	293	357	356	393	418	434	435	389	384
Humboldt	9.5%	2,666	2,813	2,987	3,091	3,219	3,511	3,558	3,688	4,118	4,391	4,403
Imperial	9.5%	1,150	1,370	1,380	1,322	1,314	1,483	1,687	1,800	1,956	2,108	1,816
Inyo	12.0%	2,064	2,237	2,268	2,307	2,325	2,536	2,679	3,235	3,505	4,103	4,127
Kern	10.1%	7,620	7,409	7,785	8,144	8,284	8,189	9,218	10,321	11,265	11,110	10,778
Kings	8.5%	469	529	600	725	725	704	741	788	760	1,009	763
Lake	9.1%	730	855	1,039	1,027	1,061	1,049	1,169	1,226	1,335	1,312	1,101
Lassen	10.0%	23	329	383	397	414	405	502	519	589	575	469
Los Angeles	12.2%	206,029	224,057	247,844	218,316	220,056	238,740	287,896	310,245	330,409	356,189	309,040
Madera	9.1%	1,404	1,486	1,606	1,672	1,745	1,841	1,978	2,203	1,989	2,320	2,304
Marin	10.2%	5,891	6,836	7,390	6,295	5,953	5,885	6,202	6,855	7,777	8,296	7,580
Mariposa	10.0%	5,985	6,141	6,808	7,248	7,459	7,831	8,296	8,737	9,310	10,313	9,679
Mendocino	10.0%	4,678	5,138	5,744	5,764	5,488	5,505	5,579	5,823	6,111	6,368	5,976
Merced	9.9%	1,083	1,409	1,256	1,261	1,296	1,580	1,674	1,818	1,808	1,799	1,733
Modoc	7.6%	114	119	127	158	157	165	161	167	162	181	158
Mono	8.7%	5,231	6,096	6,624	7,310	9,544	10,455	11,761	13,253	12,148	13,204	11,773
Monterey	10.3%	34,124	38,542	40,910	37,330	36,666	37,239	39,776	42,248	44,977	45,606	41,437
Napa	12.0%	12,996	14,463	15,772	14,014	14,977	15,653	18,032	20,465	21,940	26,469	24,675
Nevada	10.0%	1,500	1,647	1,765	1,793	1,881	1,775	1,978	2,220	2,456	2,620	2,307

Note: *Rate is the average county rate for the last fiscal year.

Attachment 10

California Transient Occupancy Tax by Jurisdiction

		Fiscal Year										
	* Rate	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Amounts in \$000												
FRESNO COUNTY												
Huron	10.0%	3.1	2.1	1.4	1.8	0.6	0.0	0.0	1.2	1.2	3.7	7.5
Kingsburg	8.0%	39.7	46.9	37.3	38.0	31.7	32.1	43.2	45.3	49.1	45.6	49.5
Reedley	8.0%	40.5	54.8	31.5	41.6	63.0	51.9	49.6	56.9	50.5	55.1	38.0
Sanger	4.0%	8.2	5.9	7.2	4.5	6.3	7.7	6.8	4.3	6.6	6.3	6.5
Selma	6.0%	139.9	144.4	140.8	163.3	169.0	199.0	191.8	219.0	270.7	269.8	216.6
GLENN COUNTY												
Unincorporated	5.0%	3.5	4.8	8.7	9.3	10.4	8.5	5.4	3.7	3.7	3.9	4.7
Orland	10.0%	47.8	43.2	45.0	48.2	50.7	42.4	68.6	58.3	61.9	57.2	50.6
Willows	10.0%	215.6	215.6	239.4	299.1	294.9	341.7	343.6	372.2	369.0	328.1	328.4
HUMBOLDT COUNTY												
Unincorporated	10.0%	677.6	704.0	711.2	748.3	756.4	877.8	913.7	962.7	1,061.8	1,146.1	1,128.2
Arcata	10.0%	502.2	518.5	579.3	596.9	645.0	683.4	730.4	776.3	872.9	892.1	906.0
Eureka	9.0%	1,253.9	1,311.9	1,378.7	1,419.7	1,422.6	1,447.4	1,424.6	1,434.1	1,587.4	1,742.7	1,784.8
Ferndale	8.0%	40.7	60.1	72.6	66.0	81.4	80.8	55.3	68.1	71.0	73.1	82.8
Fortuna	10.0%	183.5	198.3	221.5	232.6	284.2	386.4	393.8	405.3	469.6	473.4	447.3
Rio Dell	8.0%		8.4	8.7	9.4	8.9	9.1	8.8	9.6	11.0	10.2	10.0
Trinidad	8.0%	7.7	12.3	14.8	17.6	20.7	26.3	30.9	31.6	44.7	53.8	44.3
IMPERIAL COUNTY												
Unincorporated	8.0%	67.8	78.2	75.1	72.6	64.0	63.9	16.1	34.6	26.7	8.0	3.2
Brawley	8.0%	140.7	168.6	166.1	185.7	189.2	157.4	182.9	194.0	224.3	234.0	265.2
Calxico	10.0%	187.9	253.3	228.0	190.1	145.2	196.9	251.0	238.1	356.2	320.1	277.1
Calipatria	8.0%	19.5	34.4	13.7	30.9	43.7	29.8	29.3	31.2	32.9	40.4	28.3
El Centro	10.0%	662.7	767.6	347.1	791.5	849.3	998.4	1,166.4	1,280.7	1,297.9	1,471.6	1,199.0
Holtville	4.0%	1.6	1.5	1.8	1.1	1.7	1.0	1.7	1.7	1.7	1.0	1.3
Imperial	8.0%	69.4	66.1	47.6	49.9	21.1	36.1	40.0	19.7	16.0	32.6	21.9
INYO COUNTY												
Unincorporated	12.0%	1,271.8	1,329.8	1,310.7	1,305.6	1,252.4	1,318.6	1,434.4	1,516.7	1,966.1	2,300.9	2,425.3
Bishop	12.0%	792.4	907.0	957.3	1,001.5	1,072.2	1,217.5	1,244.4	1,718.3	1,538.8	1,802.1	1,702.2

This information has been provided to Dean Remy Associates, Inc. by the California State Controller's Office, various taxing jurisdictions and visitor associations. The tax year usually corresponds to a fiscal year ending June 30. Periodic updates of this report can be found at www.deanrummy.com. *Current Rate corresponds to the rate in effect at the end of the last fiscal year. Many tax rates have changed over the reported time period. Some jurisdictions have variable rates.

Transient Occupancy Tax Collections for FYE 6/30/10.

<u>City Name</u>	12 months FYE 6/30/08	12 months FYE 6/30/09	12 months FYE 6/30/10	\$ Increase	%
<u>Increase</u>					
Arcata	892,051	833,304	870,708	37,404	4.5%
Eureka	1,742,728	1,784,796	2,032,584	247,788	13.88%
Ferndale	73,130	82,782	75,038	-7,744	-9.35%
Fortuna	473,376	447,347	443,975	-3,372	-0.75%
Rio Dell	10,156	9,978	10,414	436	4.37%
Trinidad	53,751	44,322	69,758	25,436	57.39%
Humb. Cnty., un-incorp.	1,146,103	1,128,164	1,093,382	-34,782	-3.08%
TOTALS	4,391,295	4,330,693	4,595,859	265,166	6.12%
	+ 272,960	-60,602			
	+ 6.6%	-1.38%			

Tony Smithers, Executive Director
Humboldt County Convention & Visitors Bureau
707-444-6635
tony@redwoods.info

AGENDA SUMMARY**RE: MEDICAL CANNABIS RFQ STATUS REPORT****FOR AGENDA DATE: JANUARY 4, 2011**
AGENDA ITEM NO.:

14

RECOMMENDATION:

1. Receive report from the Community Development Department
2. Provide Direction regarding Medical Cannabis RFQ Review Committee

SUMMARY:


On December 21, 2010, the City Council received a verbal report from former Councilmember Jeff Leonard on the status of the Medical Cannabis RFQ process. At the conclusion of Mr. Leonard's report, the City Council directed that the issue be placed on their January 4, 2011, agenda to provide opportunity for the Council to consider and provide direction to Staff on the RFQ process, including (but not limited to) consideration of the members of the Selection Committee, selection criteria, and the process proposed for selecting persons, collectives or cooperatives who will be invited to submit an application for a Conditional Use Permit.

The purpose and intent of the Medical Cannabis Ordinance is to regulate as a land use the cultivation, processing and distribution of medical cannabis within city limits. Establishment of a Medical Cannabis cultivation, processing and/or distribution facility requires a Conditional Use Permit and the Ordinance sets limits on the maximum number of Conditional Use Permits that can be granted.

ATTACHMENTS:

Attachment 1 Medical Cannabis RFQ Response Submittals

*Continued page 2***FISCAL IMPACT:** Staff time and materials to carry out Council directions.**DEPARTMENT HEAD SIGNATURE:**

 Sidnie L. Olson
 Director of Community Development
CITY MANAGER SIGNATURE:

 David W. Tyson
 City Manager
REVIEWED BY:

Assistant City Manager

DATE:

12/27/10

INITIALS:

MK

Council Action:

Ordinance No. _____

Resolution No. _____

SUMMARY (continued):

The Medical Cannabis Ordinance limits the total number of Conditional Use Permits that can be granted to six. Four of the Conditional Use Permits will allow a facility that cultivates and processes medical cannabis within the city, and then distributes that medical cannabis from a maximum of two locations within the city. Two of the Conditional Use Permits will allow a facility to distribute from a single location medical cannabis not cultivated and processed within the city.

In order to determine which persons, collectives or cooperatives would be invited to submit a Conditional Use Permit application, an RFQ (Request for Qualifications) was issued to request the submittal of a business plan and qualifications from interested persons, collectives and cooperatives. Upon close of the submittal period 25 responses to the RFQ had been received. A list of the persons, collectives or cooperatives that submitted a business plan and qualifications is included herein as Attachment 1. Because the submittals contain proprietary information they are not Public Record subject to public inspection.

Initially Staff had proposed that a five member Medical Cannabis Selection Committee be appointed to review the responses to the RFQ and rank them based on business experience, business plan, and ability to operate a clean, professional and safe facility. The City Council ended up appointing a three member Medical Cannabis Selection Committee comprised of two Council members (former Council members Glass and Leonard) and a public participant (Paul Hagan). The Selection Committee had several meetings with the Director of Community Development and the City Manager to review and modify the draft RFQ prepared by the Director. The RFQ was then circulated to those persons, collectives or cooperatives who had previously requested it and the RFQ was posted on the City's website. The RFQ was issued on October 19, 2010, and the deadline to submit a business plan and qualifications was December 17, 2010.

The process from here as outlined in the RFQ is that the Selection Committee will evaluate each submittal to determine if it meets the minimum requirements of the RFQ. The Selection Committee may choose to meet with some or all of the persons, collectives or cooperatives that submitted a business plan and qualifications and/or the Selection Committee may choose to ask for additional information to clarify, supplement or modify certain aspects of a person's, collective's, or cooperative's submittal. After the Selection Committee has reviewed and ranked the submittals, the Selection Committee will provide a report to the City Council listing the names of up to six persons, collectives or cooperatives that the Committee recommends the City Council invite to submit an application for a Conditional Use Permit.

A Conditional Use Permit is a discretionary permit acted upon by the Planning Commission appealable to the City Council. As stated in the RFQ an invitation by the City Council to a person, collective or cooperative to submit an application for a Conditional Use Permit in no way guarantees or implies approval of the Conditional Use Permit. The findings that the Planning

Commission must make in order to grant the Conditional Use Permit are specified in the Medical Cannabis Ordinance.

Notwithstanding the process outlined above, the City Council could direct Staff to make changes to the process including, but not limited to:

1. The Council could appoint new members to the Selection Committee.
If the City Council chooses to appoint some or all new members, Staff recommends that Selection Committee membership include one Councilmember, one person who has extensive business experience, and one person who has familiarity with the issues surrounding the Medical Cannabis industry but who is not affiliated with any of the persons, collectives or cooperatives who submitted a business plan and qualifications.
2. The Council could increase or decrease the number of members of the Selection Committee.
At this time, Staff has four copies of each submittal, one for Staff and one each for the three Selection Committee members, therefore, if the Council increases the number of Selection Committee members Staff will need to contact the respondents to request an appropriate number of additional copies of their submittals.
3. The Council could modify the ranking criteria.
It is not recommended that the City Council alter the ranking criteria that was listed in the RFQ (i.e., qualifications; business experience; business plan; and, ability to operate a clean, professional and safe facility) the Council could, however, identify what specifically the Selection Committee should be looking for and/or what level of importance should be placed on each of the criteria.
4. The Council could direct Staff to process modifications to the adopted Medical Cannabis Ordinance.
Modifications might include changing the number of Conditional Use Permits that could be granted or eliminating the limitation on the number of Conditional Use Permits entirely.

THE FUTURE

Because of the limited number of Conditional Use Permits available for establishing and operating a Medical Cannabis facility within the city, it is fully expected that at some point in the future one or all of the six Conditional Use Permits will be relinquished and available for other persons, collectives or cooperatives who desire to operate a Medical Cannabis facility. Staff envisions that as Conditional Use Permits are relinquished and become available that a similar RFQ process will be conducted to rank and recommend to the City Council the person, collective or cooperative that should be invited by the City Council to submit an application for the available Conditional Use Permit.

ATTACHMENT 1

**Medical Cannabis RFQ Response Submittals
December 17, 2010**

CULTIVATION, PRODUCTION/DISTRIBUTION

- 1 Compassionate Care of Eureka
- 2 Emerald Reserve
- 3 Eureka Wellness Center
- 4 Genesis 1:12
- 5 Green Earth Wellness
- 6 Humboldt Green Research
- 7 Humboldt Harvest LLC
- 8 Humboldt Patient Resource Center
- 9 Hummingbird Healing Center
- 10 Med Care Collective
- 11 Natural Green Health Center
- 12 Ocean City Animal League (Grandmom Rose's Health Center)
- 13 Richard Brown
- 14 The Humboldt Community Cooperative (THCC)
- 15 Three Little Birds Collective

DISTRIBUTION ONLY

- 1 Canna Lab Collectives
- 2 Common Roots Collective
- 3 Eureka Collective
- 4 Going Green
- 5 Green Neighbor Collective
- 6 Humboldt Bay Wellness (707 Cannabis College)
- 7 Hummingbird Healing Center
- 8 North Coast Auction
- 9 Redwood Coast Relief Center
- 10 Tea House Collective